

TAIF ACCORDS

Page 2; First, General Principles and Reforms; II. Political Reforms; A. Chamber of Deputies:

5. Until the Chamber of Deputies passes an election law free of sectarian restriction, the parliamentary seats shall be divided according to the following bases:

- a. Equally between Christians and Muslims.
- b. Proportionately between the denominations of each sect.
- c. Proportionately between the districts.

6. The number of members of the Chamber of Deputies shall be increased to 108, shared equally between Christians and Muslims. As for the districts created on the basis of this document and the districts whose seats became vacant prior to the proclamation of this document, their seats shall be filled only once on an emergency basis through appointment by the national accord government that is planned to be formed.

[...]

Page 6; First, General Principles and Reforms; II. Political Reforms; G. Abolition of Political Sectarianism:

ps_pol

Political Power-sharing

Abolishing political sectarianism is a fundamental national objective. To achieve it, it is required that efforts be made in accordance with a phased plan. The Chamber of Deputies elected on the basis of equal sharing by Christians and Muslims shall adopt the proper measures to achieve this objective and to form a national council which is headed by the president of the republic and which includes, in addition to the prime minister and the Chamber of Deputies speaker, political, intellectual, and social notables. The council's task will be to examine and propose the means capable of abolishing sectarianism, to present them to the Chamber of Deputies and the cabinet, and to observe implementation of the phased plan. The following shall be done in the interim period:

[...]

Page 8; First, General Principles and Reforms; III. Other Reforms; D. Parliamentary Election Law:

Parliamentary elections shall be held in accordance with a new law on the basis of provinces and in the light of rules that guarantee common coexistence between the Lebanese, and that ensure the sound and efficient political representation of all the people's factions and generations. This shall be done after reviewing the administrative division within the context of unity of the people, the land, and the institutions.

ps_eco

Economic Power-sharing

ps_mil

Military Power-sharing

tj_amn	Amnesty
tj_pri	Prisoner Release
tj_hum	<p>Page 1; First, General Principles and Reforms; I. General Principles</p> <p>C. Lebanon is a democratic parliamentary republic founded on respect for public liberties, especially the freedom of expression and belief, on social justice, and on equality in rights and duties among all citizens, without discrimination or preference.</p> <p>H. [...] The people may not be categorized on the basis of any affiliation whatsoever and there shall be no fragmentation, no partition, and no repatriation [of Palestinians in Lebanon].</p> <p>Page 8; First, General Principles and Reforms; III. Other Reforms; B. Courts</p> <p>[2] To ensure the principle of harmony between religion and state, the heads of the Lebanese sects may revise the constitutional council in matters pertaining to:</p> <ol style="list-style-type: none"> 1. Personal status affairs. 2. Freedom of religion and the practice of religious rites. 3. Freedom of religious education.
tj_min	Indigenous & Minority Rights
tj_wom	Women's Rights & Gender Issues
tj_civ	Civil & Political Rights
tj_esc	Economic, Social & Cultural Rights

tj_vic	Victims & Reparations
tj_ref	<p>Refugees & Internally Displaced Persons</p> <p>Page 10; Second, spreading the sovereignty of the State of Lebanon over all Lebanese territories:</p> <p>D. The problem of the Lebanese evacuees shall be solved fundamentally, and the right of every Lebanese evicted since 1975 to return to the place from which he was evicted shall be established. Legislation to guarantee this right and to insure the means of reconstruction shall be issued. [...]</p>
tj_tru	Truth & Reconciliation Commission
tj_rec	Reconciliation
tj_pro	Protection Measures
tr_con	Constitutional Reform
tr_leg	<p>Page 2; II. Political Reforms; A. Chamber of Deputies:</p> <p>The Chamber of Deputies is the legislative authority which exercises full control over government policy and activities.</p> <p>1. The Chamber spokesman and his deputy shall be elected for the duration of the chamber's term.</p> <p>2. In the first session, two years after it elects its speaker and deputy speaker, the chamber may vote only once to withdraw confidence from its speaker or deputy speaker with a 2/3 majority of its members and in accordance with a petition submitted by at least 10 deputies. In case confidence is withdrawn, the chamber shall convene immediately to fill the vacant post.</p> <p>3. No urgent bill presented to the Chamber of Deputies may be issued unless it is included in the agenda of a public session and read in such a session, and unless the grace period stipulated by the constitution passes without a resolution on such a bill with the approval of the cabinet.</p> <p>4. The electoral district shall be the governorate.</p> <p>5. Until the Chamber of Deputies passes an election law free of sectarian restriction, the parliamentary seats shall be divided according to the following bases:</p>

- a. Equally between Christians and Muslims.
- b. Proportionately among the denominations of the two sects.
- c. Proportionately between the districts.

6. The number of members of the Chamber of Deputies shall be increased to 108, shared (divided) equally between Christians and Muslims. As for the districts (positions) created on the basis of this document and the districts whose seats (positions) became vacant prior to the proclamation of this document, their seats shall be filled only once on an emergency (exceptional) basis through appointment by the national accord government that is planned to be formed.

7. With the election of the first Chamber of Deputies on a national, not sectarian, basis, a senate shall be formed and all the spiritual families shall be represented in it. The senate powers shall be confined to crucial issues.

Page 2-4; II. Political Reforms; B. President of Republic:

The president of republic is the head of the state and a symbol of the country's unity. He shall contribute to enhancing the constitution and to preserving Lebanon's independence, unity, and territorial integrity in accordance with the provisions of the constitution. He is the supreme commander of the armed forces which are subject to the power of the cabinet.

The president shall exercise the following powers:

- 1. Head the cabinet [meeting] whenever he wishes, but without voting.
- 2. Head the Supreme Defense Council.
- 3. Issue decrees and demand their publication. He shall also be entitled to ask the cabinet to reconsider any resolution it makes within 15 days of the date of deposition of the resolution with the presidential office. Should the cabinet insist on the adopted resolution, or should the grace period pass without issuing and returning the decree, the decree of the resolution shall be valid and must be published.
- 4. Promulgate laws in accordance with the grace period stipulated by the constitution and demand their publication upon ratification by the Chamber of Deputies. After notifying the cabinet, the president may also request reexamination of the laws within the grace periods provided by the constitution, and in accordance with the articles of the constitution. In case the laws are not issued or returned before the end of the grace periods, they shall be valid by law and they must be published.
- 5. Refer the bills presented to him by the Chamber of Deputies.
- 6. Name the prime minister-designate in consultation with the Chamber of Deputies speaker on the basis of binding parliamentary consultation, the outcome of which the president shall officially familiarize the speaker on.
- 7. Issue the decree appointing the prime minister independently.
- 8. On agreement with the prime minister, issue the decree forming the cabinet.
- 9. Issue decrees accepting the resignation of the cabinet or of cabinet ministers and decrees relieving them from their duties.
- 10. Appoint ambassadors, accept the accreditation of ambassadors, and award state medals by decree.
- 11. On agreement with the prime minister, negotiate on the conclusion and signing of international treaties which shall become valid only upon approval by the cabinet. The cabinet shall familiarize the Chamber of Deputies with such treaties when the country's interest and state safety make such familiarization possible. As for treaties involving conditions concerning state finances, trade

tr_exe

Executive Branch
Reform

treaties, and other treaties which may not be abrogated annually, they may not be concluded without Chamber of Deputies' approval.

12. When the need arises, address messages to the Chamber of Deputies.
13. On agreement with the prime minister, summon the Chamber of Deputies to hold special sessions by decree.
14. The president of the republic is entitled to present to the cabinet any urgent issue beyond the agenda.
15. On agreement with the prime minister, call the cabinet to hold a special session whenever he deems it necessary.
16. Grant special pardon by decree.
17. In the performance of his duty, the president shall not be liable unless he violates the constitution or commits high treason.

Page 4-5; II. Political Reforms; C. Prime Minister:

The prime minister is the head of the government. He represents it and speaks in its name. He is responsible for implementing the general policy drafted by the cabinet. The prime minister shall exercise the following powers:

1. Head the cabinet.
2. Hold parliamentary consultations to form the cabinet and co-sign with the president the decree forming it. The cabinet shall submit its cabinet statement to the Chamber of Deputies for a vote of confidence within 30 days [of its formation]. The cabinet may not exercise its powers before gaining the confidence, after its resignation, or when it is considered retired, except within the narrow sense of disposing of affairs.
3. Present the government's general policy to the Chamber of Deputies.
4. Sign all decrees, except for decrees naming the prime minister and decrees accepting cabinet resignation or considering it retired.
5. Sign the decree calling for a special session and decrees issuing laws and requesting the reexamination of laws.
6. Summon the cabinet to meet, draft its agenda, familiarize the president of the republic in advance with the issues included in the agenda and with the urgent issues to be discussed, and sign the usual session minutes.
7. Observe the activities of the public departments and institutions, coordinate between the ministers, and issue general instructions to ensure the smooth progress of work.
8. Hold working sessions with the state agencies concerned in the presence of the minister concerned.
9. By law, act as the Supreme Defense Council's deputy chairman.

Page 5; II. Political Reforms; D. Cabinet:

The executive power shall be vested in the Cabinet.

The following are among the powers exercised by it:

1. Set the general policy of the State in all domains, draws up draft bills and decrees, and takes the necessary decisions for its implementation.
2. Watch over the implementation of laws and regulations and supervise the activities of all the state agencies without exception, including the civilian, military, and security departments and institutions.
3. The cabinet is the authority which controls the armed forces.

4. Appoint, dismiss, and accept the resignation of state employees in accordance with the law. 5. It has the right to dissolve the Chamber of Deputies at the request of the president of the republic if the chamber refuses to meet throughout an ordinary or a special session lasting no less than one month, even though it is summoned twice consecutively, or if the chamber sends back the budget in its entirety with the purpose of paralyzing the government. This right may not be exercised again for the same reasons which called for dissolving the chamber in the first instance.

6. When the president of the republic is present, he heads cabinet sessions. The cabinet shall meet periodically at special headquarters. The legal quorum for a cabinet meeting is 2/3 the cabinet members. The cabinet shall adopt its resolutions by consent. If impossible, then by vote. The resolutions shall be adopted by a majority of the members present. As for major issues, they require the approval of 2/3 the cabinet members. The following shall be considered major issues: The state of emergency and its abolition, war and peace, general mobilization, international agreements and treaties, the state's general budget, comprehensive and long-term development plans, the appointment of top-level civil servants or their equivalent, reexamination of the administrative division, dissolving the Chamber of Deputies, the election law, the citizenship law, the personal status laws, and the dismissal of cabinet ministers.

Page 6; II. Political Reforms; E. Minister:

The minister's powers shall be reinforced in a manner compatible with the government's general policy and with the principle of collective responsibility. A minister shall not be relieved from his position unless by cabinet decree or unless the Chamber of Deputies withdraws its confidence from him individually.

Page 6; II. Political Reforms; F. Cabinet Resignation, Considering Cabinet Retired, and Dismissal of Ministers:

1. The cabinet shall be considered retired in the following cases:
 - a. If its chairman resigns.
 - b. If it loses more than 1/3 of its members as determined by the decree forming it.
 - c. If its chairman dies.
 - d. At the beginning of a president's term.
 - e. At the beginning of the Chamber of Deputies' term.
 - f. When the Chamber of Deputies withdraws its confidence from it on an initiative by the chamber itself and on the basis of a vote of confidence.
2. A minister shall be relieved by a decree signed by the president of the republic and the prime minister, with cabinet approval.
3. When the cabinet resigns or is considered retired, the Chamber of Deputies shall, by law, be considered to be convened in a special session until a new cabinet is formed. A vote-of-confidence session shall follow.

Page 7-8; First, General Principles and Reforms; III. Other Reforms; B. Courts:

tr_jud

Judiciary Reform

[...]

1. The higher council which is stipulated by the constitution and whose task it is to try presidents and ministers shall be formed. A special law on the rules of trial before this council shall be promulgated.

[...]

[3]. To ensure the judiciary's independence, a certain number of the Higher Judiciary Council shall be elected by the judiciary body.

tr_adm	Public Administration Reform	<p>Page 6-7; II. Political Reforms; G. Abolition of Political Sectarianism:</p> <p>[...]</p> <p>a. Abolish the sectarian representation base and rely on capability and specialization in public jobs, the judiciary, the military, security, public, and joint institutions, and in the independent agencies in accordance with the dictates of national accord, excluding the top-level jobs and equivalent jobs which shall be shared equally by Christians and Muslims without allocating any particular job to any sect.</p>
tr_mil	Military Reform	<p>Page 9-10; Second, spreading the sovereignty of the State of Lebanon over all Lebanese territories; C. Strengthening the armed forces:</p> <p>1. The fundamental task of the armed forces is to defend the homeland, and if necessary, protect public order when the danger exceeds the capability of the internal security forces to deal with such a danger on their own.</p> <p>2. The armed forces shall be used to support the internal security forces in preserving security under conditions determined by the cabinet.</p> <p>3. The armed forces shall be unified, prepared, and trained in order that they may be able to shoulder their national responsibilities in confronting Israeli aggression.</p> <p>4. When the internal security forces become ready to assume their security tasks, the armed forces shall return to their barracks.</p> <p>5. The armed forces intelligence shall be reorganized to serve military objectives exclusively.</p>
tr_pol	Police Reform	<p>Page 9; Second, spreading the sovereignty of the State of Lebanon over all Lebanese territories; B. The internal security forces shall be strengthened through:</p> <p>1. Opening the door of voluntarism to all the Lebanese without exception, beginning the training of volunteers centrally, distributing the volunteers to the units in the governorates, and subjecting them to organized periodic training courses.</p>
tr_edu	Education Reform	<p>Page 8-9; First, General Principles and Reforms; III. Other Reforms; F. Education:</p> <p>1. Education shall be provided to all and shall be made obligatory for the elementary stage at least.</p> <p>2. The freedom of education shall be emphasized in accordance with general laws and regulations.</p> <p>3. Private education shall be protected and state control over private schools and textbooks shall be strengthened.</p> <p>4. Official, vocational, and technological education shall be reformed, strengthened, and developed in a manner that meets the country's development and reconstruction needs. The conditions of the Lebanese University shall be reformed and aid shall be provided to the university, especially to its technical colleges.</p>

		<p>5. The curricula shall be reviewed and developed in a manner that strengthens national belonging, fusion, spiritual and cultural openness, and that unifies textbooks on the subjects of history and national education.</p>
tr_med	Media Reform	<p>Page 9; First, General Principles and Reforms; III. Other Reforms; G. Information:</p> <p>All the information media shall be reorganized under the canopy of the law and within the framework of responsible liberties that serve the cautious tendencies and the objective of ending the state of war.</p>
tr_ddd	Demobilization, Disarmament & Reintegration	<p>Page 9; Second, spreading the sovereignty of the State of Lebanon over all Lebanese territories;</p> <p>A. Disbanding of all Lebanese and non-Lebanese militias shall be announced. The militias' weapons shall be delivered to the State of Lebanon within a period of 6 months, beginning with the approval of the national accord charter. [...]</p>
tr_tim	Transitional Timeline	<p>Page 8; First, General Principles and Reforms; III. Other Reforms; III. Other Reforms; D. Parliamentary Election Law:</p> <p>Parliamentary elections shall be held in accordance with a new law on the basis of provinces and in the light of rules that guarantee common coexistence between the Lebanese, and that ensure the sound and efficient political representation of all the people's factions and generations. This shall be done after reviewing the administrative division within the context of unity of the people, the land, and the institutions.</p> <p>Page 10; Second, spreading the sovereignty of the State of Lebanon over all Lebanese territories:</p> <p>D. [...] Considering that the objective of the State of Lebanon is to spread its authority over all the Lebanese territories through its own forces, represented primarily by the internal security forces, and in view of the fraternal relations binding Syria to the authority of the State of Lebanon within a set period of no more than 2 years, beginning with ratification of the national accord charter, election of the president of the republic, formation of the national accord cabinet, and approval of the political reforms constitutionally. At the end of this period, the two governments — the Syrian Government and the Lebanese National Accord Government — shall decide to redeploy the Syrian forces in Al-Biq'a area from Dahr al-Baydar to the Hammana-al-Mudayrij-'Ayn Darah line, and if necessary, at other points to be determined by a joint Lebanese-Syrian military committee. [...]</p>
tr_epr	Electoral & Political Party Reform	<p>Page 2; First, General Principles and Reforms; II. Political Reform; A. Chamber of Deputies</p> <p>4. The electoral district shall be the governorate.</p> <p>5. Until the Chamber of Deputies passes an election law free of sectarian restriction, the parliamentary seats shall be divided according to the following bases: [...]</p> <p>Page 8; First, General Principles and Reforms; III. Other Reforms; D. Parliamentary Election Law:</p> <p>Parliamentary elections shall be held in accordance with a new law on the basis of provinces (governorates) and in the light of rules that guarantee common coexistence between the Lebanese, and that ensure the sound and efficient political representation of all the people's factions and generations.</p>

		<p>This shall be done after reviewing the administrative division within the context of unity of the people, the land, and the institutions.</p>
tr_dev	Socio-Economic Development	<p>Page 1; First, General Principles and Reforms; I. General Principles</p> <p>E. The economic system is a free system that guarantees individual initiative and private ownership.</p> <p>F. Culturally, socially, and economically-balanced development is a mainstay of the state's unity and of the system's stability.</p> <p>G. Efforts (will be made) to achieve comprehensive social justice through fiscal, economic, and social reform.</p> <p>Page 8; First, General Principles and Reforms; III. Other Reforms; E. Creation of a socioeconomic council for development:</p> <p>A socioeconomic council shall be created to insure that representatives of the various sectors participate in drafting the state's socioeconomic policy and providing advice and proposals.</p>
tr_cul	Cultural Heritage/ Protections	
tr_fin	Financial Arrangements	<p>Page 1; First, General Principles and Reforms; I. General Principles</p> <p>G. Efforts (will be made) to achieve comprehensive social justice through fiscal, economic, and social reform.</p> <p>Page 7; First, General Principles and Reforms; III. Other Reforms; A. Administrative Decentralism</p> <p>5. A comprehensive and unified development plan capable of developing the provinces economically and socially shall be adopted and the resources of the municipalities, unified municipalities, and municipal unions shall be reinforced with the necessary financial resources.</p>
tj_dsm	Dispute Settlement Mechanisms	<p>Page 7; III. Other Reforms: B. Courts</p> <p>2. A constitutional council shall be created to interpret the constitution, to observe the constitutionality of the laws, and to settle disputes and contests emanating from presidential and parliamentary elections. [...]</p>
ia_ver	Verification & Monitoring Mechanism	

Page 10-11; Third, liberating Lebanon from the Israeli occupation:

Regaining state authority over the territories extending to the internationally-recognized Lebanese borders requires the following:

ia_pko

Peacekeeping

C. Taking all the steps necessary to liberate all Lebanese territories from the Israeli occupation, to spread state sovereignty over all the territories, and to deploy the Lebanese army in the border area adjacent to Israel; and making efforts to reinforce the presence of the UN forces in South Lebanon to insure the Israeli withdrawal and to provide the opportunity for the return of security and stability to the border area.

ia_adv

International
Assistance &
Advice

FRAMEWORK FOR A COMPREHENSIVE POLITICAL SETTLEMENT OF THE CAMBODIA CONFLICT

Page 11; PART I: ARRANGEMENTS DURING THE TRANSITIONAL PERIOD; Section III: Supreme National Council; Article 3

The Supreme National Council (hereinafter referred to as "the SNC") is the unique legitimate body and source of authority in which, throughout the transitional period, the sovereignty, independence and unity of Cambodia are enshrined.

ps_pol

Political Power-sharing

Page 11; Section III: Supreme National Council; Article 4

The members of the SNC shall be committed to the holding of free and fair elections organized and conducted by the United Nations as the basis for forming a new and legitimate Government.

Page 11; Section III: Supreme National Council; Article 5

The SNC shall, throughout the transitional period, represent Cambodia externally and occupy the seat of Cambodia at the United Nations, in the United Nations specialized agencies, and in other international institutions and international conferences.

ps_eco

Economic Power-sharing

Page 28; ANNEX 2: Withdrawal, cease-fire and related measures Article V: Ultimate disposition of the forces of the Parties and of their arms, ammunition and equipment:

2. The Cambodian Parties hereby commit themselves to demobilize all their remaining forces before or shortly after the elections and, to the extent that full demobilization is unattainable, to respect and abide by whatever decision the newly elected government that emerges in accordance with Article 12 of this Agreement takes with regard to the incorporation of parts or all of those forces into a new national army. Upon completion of the demobilization referred to in paragraph 1, the Cambodian Parties and the Special Representative of the Secretary General shall undertake a review regarding the final disposition of the forces remaining in the cantonments, with a view to determining which of the following shall apply:

[...]

ps_mil

Military Power-sharing

b. Should total demobilization of all of the residual forces before or shortly after the elections not be possible, the Parties hereby undertake to make available all of their forces remaining in cantonments to the newly elected government that emerges in accordance with Article 12 of this Agreement, for consideration for incorporation into a new national army. They further agree that any such forces which are not incorporated into the new national army will be demobilized forthwith according to a plan to be prepared by the Special Representative. With regard to the ultimate disposition of the remaining forces and all the arms, ammunition and equipment, UNTAC, as it withdraws from Cambodia, shall retain such authority as is necessary to ensure an orderly transfer to the newly elected government of those responsibilities it has exercised during the transitional period.

Pages 30; ANNEX 2; Article II: Liaison system and Mixed Military Working Group

A Mixed Military Working Group (MMWG) will be established with a view to resolving any problems that may arise in the observance of the cease-fire. It will be chaired by the most senior United Nations military officer in Cambodia or his representative. Each Party agrees to designate an officer of the rank of brigadier or equivalent to serve on the MMWG. Its composition, method of operation and meeting places will be determined by the most senior United Nations military officer in consultation with the Parties. Similar liaison arrangements will be made at lower military command levels to resolve practical problems on the ground.

tj_amn

Amnesty

Page 7; Final Act of the Paris Conference on Cambodia

13. The States participating in the Conference request the International Committee of the Red Cross to facilitate, in accordance with its principles, the release of prisoners of war and civilian internees. They express their readiness to assist the ICRC in this task.

Page 17; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Part VI. Release of Prisoners of War and Civilian Internees

Article 21

The release of all prisoners of war and civilian internees shall be accomplished at the earliest possible date under the direction of the International Committee of the Red Cross (ICRC) in coordination with the Special Representative of the Secretary-General, with the assistance, as necessary, of other appropriate international humanitarian organizations and the Signatories.

tj_pri

Prisoner Release

Article 22

The expression "civilian internees" refers to all persons who are not prisoners of war and who, having contributed in any way whatsoever to the armed or political struggle, have been arrested or detained by any of the parties by virtue of their contribution thereto.

Page 25; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 1: UNTAC Mandate; Section C. Military Functions

5. UNTAC will assist, as necessary, the International Committee of the Red Cross in the release of all prisoners of war and civilian internees.

Page 39; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 2: Withdrawal, Cease-Fire and Related Measures; Article XI. Release of prisoners of war

The military component of UNTAC will provide assistance as required to the International Committee of the Red Cross in the latter discharge of its functions relating to the release of prisoners of war.

tj_hum

Human Rights

Page 7; Final Act of the Paris Conference on Cambodia

12. [...] Above all, in view of the recent tragic history of Cambodia, the States participating in the Conference commit themselves to promote and encourage respect for and observance of human rights and fundamental freedoms in Cambodia, as embodied in the relevant international instruments to which they are party.

Page 9; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict

Recognizing that Cambodia's tragic recent history requires special measures to assure protection of human rights, and the non-return to the policies and practices of the past,

Page 14-15; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Part III: Human Rights

Article 15

1. All persons in Cambodia and all Cambodian refugees and displaced persons shall enjoy the rights and freedoms embodied in the Universal Declaration of Human Rights and other relevant international human rights instruments.

2. To this end,

a. Cambodia undertakes:

- to ensure respect for and observance of human rights and fundamental freedoms in Cambodia;
- to support the right of all Cambodian citizens to undertake activities that would promote and protect human rights and fundamental freedoms;
- to take effective measures to ensure that the policies and practices of the past shall never be allowed to return;
- to adhere to relevant international human rights instruments;

b. The other parties to this Agreement undertake to promote and encourage respect for and observance of human rights and fundamental freedoms in Cambodia as embodied in the relevant international instruments in order, in particular, to prevent the recurrence of human rights abuses.

Article 16

UNTAC shall be responsible during the transitional period for fostering an environment in which respect for human rights shall be ensured, based on the provisions of annex 1, section E.

Article 17

After the end of the transitional period, the United Nations Commission on Human Rights should continue to monitor closely the human rights situation in Cambodia, including, if necessary, by the appointment of a Special Rapporteur who would report his findings annually to the Commission and to the General Assembly.

Page 17; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Part VII: Principles for a New Constitution for Cambodia, Article 23

Basic principles, including those regarding human rights and fundamental freedoms as well as regarding Cambodia's status of neutrality, which the new Cambodian Constitution will incorporate, are set forth in annex 5.

Page 23; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 1: UNTAC Mandate; Section B: Civil Administration

5. [...]

b. All civil police will operate under UNTAC supervision or control, in order to ensure that law and order are maintained effectively and impartially, and that human rights and fundamental freedoms are fully protected. [...]

Page 27; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 1: UNTAC Mandate; Section E. Human Rights

In accordance with Article 16, UNTAC will make provisions for:

- a) The development and implementation of a programme of human rights education to promote respect for and understanding of human rights;
- b) General human rights oversight during the transitional period;
- c) The investigation of human rights complaints, and, where appropriate, corrective action.

Page 43; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 4: Repatriation of Cambodian Refugees and Displaced Persons, Part II: Conditions Conducive to The Return of Refugees and Displaced Persons

4. There must be full respect for the human rights and fundamental freedoms of all Cambodians, including those of the repatriated refugees and displaced persons, in recognition of their entitlement to live in peace and security, free from intimidation and coercion of any kind. These rights would include, inter alia, freedom of movement within Cambodia, the choice of domicile and employment, and the right to property.

Page 46; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 5: Principles for a New Constitution for Cambodia

2. Cambodia's tragic recent history requires special measures to assure protection of human rights. Therefore, the constitution will contain a declaration of fundamental rights, including the rights to life, personal liberty, security, freedom of movement, freedom of religion, assembly and association including political parties and trade unions, due process and equality before the law, protection from arbitrary deprivation of property or deprivation of private property without just compensation, and freedom from racial, ethnic, religious or sexual discrimination. It will prohibit the retroactive application of criminal law. The declaration will be consistent with the provisions of the Universal Declaration of Human Rights and other relevant international instruments. Aggrieved individuals will be entitled to have the courts adjudicate and enforce these rights.

Page 49; Agreement Concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia

Desiring to promote respect for and observance of human rights and fundamental freedoms in conformity with the Charter of the United Nations and other relevant international instruments,

Page 53; Agreement Concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia; Article 5

4. In the event of serious violations of human rights in Cambodia, they will call upon the competent organs of the United Nations to take such other steps as are appropriate for the prevention and suppression of such violations in accordance with the relevant international instruments.

Page 55; Declaration on the Rehabilitation and Reconstruction of Cambodia

1. The primary objective of the reconstruction of Cambodia should be the advancement of the Cambodian nation and people, without discrimination or prejudice, and with full respect for human rights and fundamental freedom for all. The achievement of this objective requires the full implementation of the comprehensive political settlement.

<p>tj_min</p>	<p>Indigenous & Minority Rights</p>
<p>tj_wom</p>	<p>Women's Rights & Gender Issues</p>
<p>tj_civ</p>	<p>Page 40-41; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 3: Elections</p> <p>4. Every person who has reached the age of eighteen at the time of application to register, or who turns eighteen during the registration period, and who either was born in Cambodia or is the child of a person born in Cambodia, will be eligible to vote in the election.</p> <p>9. The freedoms of speech, assembly and movement will be fully respected. All registered political parties will enjoy fair access to the media, including the press, television and radio.</p> <p>Page 43; Annex 4: Repatriation of Cambodian Refugees and Displaced Persons; Part II: Conditions Conducive to The Return of Refugees and Displaced Persons</p> <p>4. There must be full respect for the human rights and fundamental freedoms of all Cambodians, including those of the repatriated refugees and displaced persons, in recognition of their entitlement to live in peace and security, free from intimidation and coercion of any kind. These rights would include, inter alia, freedom of movement within Cambodia, the choice of domicile and employment, and the right to property.</p> <p>Page 46-47; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 5: Principles for a New Constitution for Cambodia</p> <p>2. Cambodia's tragic recent history requires special measures to assure protection of human rights. Therefore, the constitution will contain a declaration of fundamental rights, including the rights to life, personal liberty, security, freedom of movement, freedom of religion, assembly and association including political parties and trade unions, due process and equality before the law, protection from arbitrary deprivation of property or deprivation of private property without just compensation, and freedom from racial, ethnic, religious or sexual discrimination. It will prohibit the retroactive application of criminal law. The declaration will be consistent with the provisions of the Universal Declaration of Human Rights and other relevant international instruments. Aggrieved individuals will be entitled to have the courts adjudicate and enforce these rights.</p> <p>4. The constitution will state that Cambodia will follow a system of liberal democracy, on the basis of pluralism. It will provide for periodic and genuine elections. It will provide for the right to vote and to be elected by universal and equal suffrage. It will provide for voting by secret ballot, with a requirement that electoral procedures provide a full and fair opportunity to organize and participate in the electoral process.</p>

<p>tj_esc</p> <p>Economic, Social & Cultural Rights</p>	<p>Page 46; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 5: Principles for a New Constitution for Cambodia</p> <p>2. Cambodia's tragic recent history requires special measures to assure protection of human rights. Therefore, the constitution will contain a declaration of fundamental rights, including the rights to life, personal liberty, security, freedom of movement, freedom of religion, assembly and association including political parties and trade unions, due process and equality before the law, protection from arbitrary deprivation of property or deprivation of private property without just compensation, and freedom from racial, ethnic, religious or sexual discrimination. It will prohibit the retroactive application of criminal law. The declaration will be consistent with the provisions of the Universal Declaration of Human Rights and other relevant international instruments. Aggrieved individuals will be entitled to have the courts adjudicate and enforce these rights.</p>
<p>tj_vic</p> <p>Victims & Reparations</p>	
<p>tj_ref</p> <p>Refugees & Internally Displaced Persons</p>	<p>Page 3; Final Act of the Paris Conference on Cambodia</p> <p>6. The Conference organized itself into three working committees of the whole, which met throughout the first session of the Conference. The First Committee dealt with military matters, the Second Committee dealt with the question of international guarantees, and the Third Committee with the repatriation of refugees and displaced persons and the eventual reconstruction of Cambodia.</p> <p>The officers of each committee were as follows: [...] Third Committee Co-Chairmen: Mr. Yukio Imagawa (Japan); Mr. Robert Merrillees (Australia) Rapporteur: Colonel Ronachuck Swasdikiat (Thailand)</p> <p>Page 5; Final Act of the Paris Conference on Cambodia</p> <p>10: At the second session, the Conference adopted the following instruments:</p> <p>1. AGREEMENT ON A COMPREHENSIVE POLITICAL SETTLEMENT OF THE CAMBODIA CONFLICT, with annexes on the mandate for UNTAC, military matters, elections, repatriation of Cambodian refugees and displaced persons, and the principles for a new Cambodian constitution;</p> <p>Page 14; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Part III: Human Rights; Article 15</p> <p>1. All persons in Cambodia and all Cambodian refugees and displaced persons shall enjoy the rights and freedoms embodied in the Universal Declaration of Human Rights and other relevant international human rights instruments.</p> <p>Page 16; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Part V: Refugees and Displaced Persons</p> <p>Article 19</p> <p>Upon entry into force of this Agreement, every effort will be made to create in Cambodia political, economic and social conditions conducive to the voluntary return and harmonious integration of Cambodian refugees and displaced persons.</p> <p>Article 20</p>

1) Cambodian refugees and displaced persons, located outside Cambodia, shall have the right to return to Cambodia and to live in safety, security and dignity, free from intimidation or coercion of any kind.

2) The Signatories request the Secretary-General of the United Nations to facilitate the repatriation in safety and dignity of Cambodian refugees and displaced persons, as an integral part of the comprehensive political settlement and under the overall authority of the Special Representative of the Secretary-General, in accordance with the guidelines and principles on the repatriation of refugees and displaced persons as set forth in annex

Page 39; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 2: Withdrawal, Cease-fire and Related Measures; Article XII. Repatriation and resettlement of displaced Cambodians

The military component of UNTAC will provide assistance as necessary in the repatriation of Cambodian refugees and displaced persons carried out in accordance with Articles 19 and 20 of this Agreement, in particular in the clearing of mines from repatriation routes, reception centres and resettlement areas, as well as in the protection of the reception centres.

Page 40; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 3: Elections

3. All Cambodians, including those who at the time of signature of this Agreement are Cambodian refugees and displaced persons, will have the same rights, freedoms and opportunities to take part in the electoral process.

Page 42-45; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 4: Repatriation of Cambodian Refugees and Displaced Persons

Part I: Introduction

1. As part of the comprehensive political settlement, every assistance will need to be given to Cambodian refugees and displaced persons as well as to countries of temporary refuge and the country of origin in order to facilitate the voluntary return of all Cambodian refugees and displaced persons in a peaceful and orderly manner. It must also be ensured that there would be no residual problems for the countries of temporary refuge. The country of origin with responsibility towards its own people will accept their return as conditions become conducive.

Part II: Conditions Conducive to the Return of Refugees and Displaced Persons

2. The task of rebuilding the Cambodian nation will require the harnessing of all its human and natural resources. To this end, the return to the place of their choice of Cambodians from their temporary refuge and elsewhere outside their country of origin will make a major contribution.

3. Every effort should be made to ensure that the conditions which have led to a large number of Cambodian refugees and displaced persons seeking refuge in other countries should not recur. Nevertheless, some Cambodian refugees and displaced persons will wish and be able to return spontaneously to their homeland.

4. There must be full respect for the human rights and fundamental freedoms of all Cambodians, including those of the repatriated refugees and displaced persons, in recognition of their entitlement to live in peace and security, free from intimidation and coercion of any kind. These rights would include, inter alia, freedom of movement within Cambodia, the choice of domicile and employment, and the right to property.

5. In accordance with the comprehensive political settlement, every effort should be made to create concurrently in Cambodia political, economic and

social conditions conducive to the return and harmonious integration of the Cambodian refugees and displaced persons.

6. With a view to ensuring that refugees and displaced persons participate in the elections, mass repatriation should commence and be completed as soon as possible, taking into account all the political, humanitarian, logistical, technical and socio-economic factors involved, and with the cooperation of the SNC.

7. Repatriation of Cambodian refugees and displaced persons should be voluntary and their decision should be taken in full possession of the facts. Choice of destination within Cambodia should be that of the individual. The unity of the family must be preserved.

Part III: Operational Factors

8. Consistent with respect for principles of national sovereignty in the countries of temporary refuge and origin, and in close cooperation with the countries of temporary refuge and origin, full access by the Office of the United Nations High Commissioner for Refugees (UNHCR), CRC and other relevant international agencies should be guaranteed to all Cambodian refugees and displaced persons, with a view to the agencies undertaking the census, tracing, medical assistance, food distribution and other activities vital to the discharge of their mandate and operational responsibilities; such access should also be provided in Cambodia to enable the relevant international organizations to carry out their traditional monitoring as well as operational responsibilities.

9. In the context of the comprehensive political settlement, the Signatories note with satisfaction that the Secretary-General of the United Nations has entrusted UNHCR with the role of leadership and co-ordination among intergovernmental agencies assisting with the repatriation and relief of Cambodian refugees and displaced persons. The Signatories look to all non-governmental organizations to co-ordinate as much as possible their work for the Cambodian refugees and displaced persons with that of UNHCR.

10. The SNC, the Governments of the countries in which the Cambodian refugees and displaced persons have sought temporary refuge, and the countries which contribute to the repatriation and integration effort will wish to monitor closely and facilitate the repatriation of the returnees. An ad hoc consultative body should be established for a limited term for these purposes. The UNHCR, the ICRC, and other international agencies as appropriate, as well as UNTAC, would be invited to join as full participants.

11. Adequately monitored short-term repatriation assistance should be provided on an impartial basis to enable the families and individuals returning to Cambodia to establish their lives and livelihoods harmoniously in their society. These interim measures would be phased out and replaced in the longer term by the reconstruction programme.

12. Those responsible for organizing and supervising the repatriation operation will need to ensure that conditions of security are created for the movement of the refugees and displaced persons. In this respect, it is imperative that appropriate border crossing points and routes be designated and cleared of mines and other hazards.

13. The international community should contribute generously to the financial requirements of the repatriation operation.

	<p style="text-align: center;">Page 4; Final Act of the Paris Conference on Cambodia</p> <p>6. The Conference also established an Ad Hoc Committee, composed of the representatives of the four Cambodian Parties and chaired by the representatives of the two co-Presidents of the Conference, whose mandate involved matters related to national reconciliation among the Cambodian Parties. The Ad Hoc Committee held several meetings during the first session of the Conference.</p> <p style="text-align: center;">Page 6; Final Act of the Paris Conference on Cambodia</p> <p>10. At the second session, the Conference adopted the following instruments: [...] These instruments represent an elaboration of the "Framework for a Comprehensive Political Settlement of the Cambodia Conflict" adopted by the five permanent members of the United Nations Security Council on 28 August 1990, and of elements of the work accomplished at the first session of the Conference. They entail a continuing process of national reconciliation [...]</p> <p style="text-align: center;">Page 8; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict</p> <p>Desiring to restore and maintain peace in Cambodia, to promote national reconciliation and to ensure the exercise of the right to self-determination of the Cambodian people through free and fair elections,</p>
<p>tj_rec</p> <p style="text-align: center;">Reconciliation</p>	<p style="text-align: center;">Page 39; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 2: Withdrawal, cease-fire and related measures; Article XII: Repatriation and resettlement of displaced Cambodians</p> <p>The military component of UNTAC will provide assistance as necessary in the repatriation of Cambodian refugees and displaced persons carried out in accordance with Articles 19 and 20 of this Agreement, in particular in the clearing of mines from repatriation routes, reception centres and resettlement areas, as well as in the protection of the reception centres.</p> <p style="text-align: center;">Page 40-41; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 3: Elections</p> <p>8. Voting will be by secret ballot, with provision made to assist those who are disabled or who cannot read or write.</p> <p style="text-align: center;">Page 46; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 5: Principles for a New Constitution for Cambodia</p> <p>2. Cambodia's tragic recent history requires special measures to assure protection of human rights. Therefore, the constitution will contain a declaration of fundamental rights, including the rights to life, personal liberty, security, freedom of movement, freedom of religion, assembly and association including political parties and trade unions, due process and equality before the law, protection from arbitrary deprivation of property or deprivation of private property without just compensation, and freedom from racial, ethnic, religious or sexual discrimination [...]</p>
<p>tr_con</p> <p style="text-align: center;">Constitutional Reform</p>	<p style="text-align: center;">Page 13-14; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Part II: Elections; Article 12</p> <p>The Cambodian people shall have the right to determine their own political future through the free and fair election of a constituent assembly, which will draft and approve a new Cambodian Constitution in accordance with Article 23 and transform itself into a legislative assembly, which will create the new Cambodian Government. [...]</p>

Page 17; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Part VII: Principles for a New Constitution for Cambodia; Article 23

Basic principles, including those regarding human rights and fundamental freedoms as well as regarding Cambodia's status of neutrality, which the new Cambodian Constitution will incorporate, are set forth in annex 5.

Page 40; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 3: Elections

1. The constituent assembly referred to in Article 12 of the Agreement shall consist of 120 members. Within three months from the date of the election, it shall complete its tasks of drafting and adopting a new Cambodian Constitution and transform itself into a legislative assembly which will form a new Cambodian Government.

Page 46-47; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 5: Principles for a New Constitution for Cambodia

1. The constitution will be the supreme law of the land. It may be amended only by a designated process involving legislative approval, popular referendum, or both.

2. Cambodia's tragic recent history requires special measures to assure protection of human rights. Therefore, the constitution will contain a declaration of fundamental rights, including the rights to life, personal liberty, security, freedom of movement, freedom of religion, assembly and association including political parties and trade unions, due process and equality before the law, protection from arbitrary deprivation of property or deprivation of private property without just compensation, and freedom from racial, ethnic, religious or sexual discrimination. It will prohibit the retroactive application of criminal law. The declaration will be consistent with the provisions of the Universal Declaration of Human Rights and other relevant international instruments. Aggrieved individuals will be entitled to have the courts adjudicate and enforce these rights.

3. The constitution will declare Cambodia's status as a sovereign, independent and neutral State, and the national unity of Cambodian people.

4. The constitution will state that Cambodia will follow a system of liberal democracy, on the basis of pluralism. It will provide for periodic and genuine elections. It will provide for the right to vote and to be elected by universal and equal suffrage. It will provide for voting by secret ballot, with a requirement that electoral procedures provide a full and fair opportunity to organize and participate in the electoral process.

5. An independent judiciary will be established, empowered to enforce the rights provided under the constitution.

6. The constitution will be adopted by a two-thirds majority of the members of the constituent assembly.

Page 49; Agreement Concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia; Article 1

1. Cambodia hereby solemnly undertakes to maintain, preserve and defend its sovereignty, independence, territorial integrity and inviolability, neutrality, and national unity; the perpetual neutrality of Cambodia shall be proclaimed and enshrined in the Cambodian constitution to be adopted after free and fair elections.

tr_leg	Legislative Branch Reform
tr_exe	Executive Branch Reform
tr_jud	<p>Page 25; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 1: UNTAC Mandate; Section D: Elections</p> <p>3. In the exercise of its responsibilities in relation to the electoral process, the specific authority of UNTAC will include the following: [...] b. The suspension or abrogation, in consultation with the SNC, of provisions of existing laws which could defeat the objects and purposes of this Agreement;</p> <p>Page 46-47; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 5: Principles for a New Constitution for Cambodia</p> <p>2. [...] Aggrieved individuals will be entitled to have the courts adjudicate and enforce these rights.</p> <p>5. An independent judiciary will be established, empowered to enforce the rights provided under the constitution.</p>
tr_adm	<p>Page 11-12; Part I: Arrangements During the Transitional Period; Section III: Supreme National Council; Article 6</p> <p>The SNC hereby delegates to the United Nations all powers necessary to ensure the implementation of this Agreement, as described in annex 1. In order to ensure a neutral political environment conducive to free and fair general elections, administrative agencies, bodies and offices which could directly influence the outcome of elections will be placed under direct United Nations supervision or control. In that context, special attention will be given to foreign affairs, national defence, finance, public security and information. To reflect the importance of these subjects, UNTAC needs to exercise such control as is necessary to ensure the strict neutrality of the bodies responsible for them. The United Nations, in consultation with the SNC, will identify which agencies, bodies and offices could continue to operate in order to ensure normal day-to-day life in the country.</p> <p>Page 22-24; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 1: UNTAC Mandate; Section B: Civil Administration</p> <p>1. In accordance with Article 6 of the Agreement, all administrative agencies, bodies and offices acting in the field of foreign affairs, national defence, finance, public security and information will be placed under the direct control of UNTAC, which will exercise it as necessary to ensure strict neutrality. In this respect, the Secretary-General's Special Representative will determine what is necessary and may issue directives to the above-mentioned administrative agencies, bodies and offices. Such directives may be issued to and will bind all Cambodian Parties.</p> <p>2. In accordance with Article 6 of the Agreement, the Secretary-General's Special Representative, in consultation with the SNC, will determine which other administrative agencies, bodies and offices could directly influence the outcome of elections. These administrative agencies, bodies and offices will</p>

be placed under direct supervision or control of UNTAC and will comply with any guidance provided by it.

3. In accordance with Article 6 of the Agreement, the Secretary-General's Special Representative, in consultation with the SNC, will identify which administrative agencies, bodies and offices could continue to operate in order to ensure normal day-to-day life in Cambodia, if necessary, under such supervision by UNTAC as it considers necessary.

4. In accordance with Article 6 of the Agreement, the authority of the Secretary-General's Special Representative will include the power to:

- a. Install in administrative agencies, bodies and offices of all the Cambodian Parties United Nations personnel, who will have unrestricted access to all administrative operations and information;
- b. Require the reassignment or removal of any personnel of such administrative agencies, bodies and offices.

5.a. On the basis of the information provided in Article 1, paragraph 3, of annex 2, the Special Representative of the Secretary-General will determine, after consultation with the Cambodian Parties, those civil police necessary to perform law enforcement in Cambodia. All Cambodian Parties hereby undertake to comply with the determination made by the Special Representative in this regard;

b. All civil police will operate under UNTAC supervision or control, in order to ensure that law and order are maintained effectively and impartially, and that human rights and fundamental freedoms are fully protected. In consultation with the SNC, UNTAC will supervise other law enforcement and judicial processes throughout Cambodia to the extent necessary to ensure the attainment of these objectives.

6. If the Secretary-General's Special Representative deems it necessary, UNTAC, in consultation with the SNC, will undertake investigations of complaints and allegations regarding actions by the existing administrative structures in Cambodia that are inconsistent with or work against the objectives of this comprehensive political settlement. UNTAC will also be empowered to undertake such investigation on its own initiative. UNTAC will take, when necessary, appropriate corrective steps.

Page 32-33; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 2. Withdrawal, Ceasefire and Related Measures; Article V. Ultimate disposition of the forces of the Parties and of their arms, ammunition and equipment

1. In order to reinforce the objectives of a comprehensive political settlement, minimise the risks of a return to warfare, stabilize the security situation and build confidence among the Parties to the conflict, all Parties agree to undertake a phased and balanced process of demobilisation of at least 70 per cent of their military forces. This process shall be undertaken in accordance with a detailed plan to be drawn up by UNTAC on the basis of the information provided under Article I of this annex and in consultation with the Parties. It should be completed prior to the end of the process of registration for the elections and on a date to be determined by the Special Representative of the Secretary-General.

tr_mil

Military Reform

2. The Cambodian Parties hereby commit themselves to demobilise all their remaining forces before or shortly after the elections and, to the extent that full demobilisation is unattainable, to respect and abide by whatever decision the newly elected government that emerges in accordance with Article 12 of this Agreement takes with regard to the incorporation of parts or all of those forces into a new national army. Upon completion of the demobilisation referred to in paragraph 1, the Cambodian Parties and the Special Representative of the Secretary-General shall undertake a review regarding the final disposition of the forces remaining in the cantonments, with a view to determining which of the following shall apply:

- a) If the Parties agree to proceed with the demobilisation of all or some of the forces remaining in the cantonments, preferably prior to or otherwise shortly after the elections, the Special Representative shall prepare a timetable for so doing, in consultation with them;

b) Should total demobilisation of all of the residual forces before or shortly after the elections not be possible, the Parties hereby undertake to make available all of their forces remaining in cantonments to the newly elected government that emerges in accordance with Article 12 of this Agreement, for consideration for incorporation into a new national army. They further agree that any such forces which are not incorporated into the new national army will be demobilised forthwith according to a plan to be prepared by the Special Representative. With regard to the ultimate disposition of the remaining forces and all the arms, ammunition and equipment, UNTAC, as it withdraws from Cambodia, shall retain such authority as is necessary to ensure an orderly transfer to the newly elected government of those responsibilities it has exercised during the transitional period.

Page 49; Agreement Concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia; Article 1

2. To this end, Cambodia undertakes:

b. To refrain from entering into any military alliances or other military agreements with other States that would be inconsistent with its neutrality, without prejudice to Cambodia's right to acquire the necessary military equipment, arms, munitions and assistance to enable it to exercise its inherent right of self-defence and to maintain law and order;

Page 50-51; Agreement Concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia; Article 2

2. To this end, they undertake:

a. To refrain from entering into any military alliances or other military agreements with Cambodia that would be inconsistent with Cambodia's neutrality, without prejudice to Cambodia's right to acquire the necessary military equipment, arms, munitions and assistance to enable it to exercise its inherent right of self-defence and to maintain law and order;

Page 23; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 1: UNTAC Mandate; Section B. Civil Administration,

5. (a) On the basis of the information provided in Article 1, paragraph 3, of annex 2, the Special Representative of the Secretary-General will determine, after consultation with the Cambodian Parties, those civil police necessary to perform law enforcement in Cambodia. All Cambodian Parties hereby undertake to comply with the determination made by the Special Representative in this regard;

(b) All civil police will operate under UNTAC supervision or control, in order to ensure that law and order are maintained effectively and impartially, and that human rights and fundamental freedoms are fully protected. In consultation with the SNC, UNTAC will supervise other law enforcement and judicial processes throughout Cambodia to the extent necessary to ensure the attainment of these objectives.

tr_pol

Police Reform

Page 29; Annex 2: Withdrawal, Cease-fire and Related Measures; Article I: Cease-fire

3. The Parties agree that, immediately upon the signing of this Agreement, the following information will be provided to the United Nations:

d. Total strength of their police forces, organization, precise numbers and locations of deployments as well as comprehensive lists of their arms, ammunition and equipment and the exact locations at which those arms, ammunition and equipment are deployed.

<p>tr_edu Education Reform</p>	
<p>tr_med Media Reform</p>	<p>Page 26; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 1: UNTAC Mandate; Section D. Elections</p> <p>3. In the exercise of its responsibilities in relation to the electoral process, the specific authority of UNTAC will include the following:</p> <p>f. Ensuring fair access to the media, including press, television and radio, for all political parties contesting in the election;</p> <p>Page 41; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 3: Elections</p> <p>9. The freedoms of speech, assembly and movement will be fully respected. All registered political parties will enjoy fair access to the media, including the press, television and radio.</p>
<p>tr_ddd Demobilization, Disarmament & Reintegration</p>	<p>Page 13; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Part I: Arrangements During the Transitional Period; Section V: Cease-Fire and Cessation of Outside Military Assistance; Article 11</p> <p>[...] Detailed provisions regarding UNTAC's supervision, monitoring, and verification of the cease-fire and related measures, including verification of the withdrawal of foreign forces and the regrouping, cantonment and ultimate disposition of all Cambodian forces and their weapons during the transitional period are set forth in annex 1, section C, and annex 2.</p> <p>Page 24-25; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 1: UNTAC Mandate; Section C. Military Functions</p> <p>2. UNTAC will supervise the regrouping and relocating of all forces to specifically designated cantonment areas on the basis of an operational timetable to be agreed upon, in accordance with annex 2.</p> <p>3. As the forces enter the cantonments, UNTAC will initiate the process of arms control and reduction specified in annex 2.</p> <p>4. UNTAC will take necessary steps regarding the phased process of demobilization of the military forces of the parties, in accordance with annex 2.</p> <p>Page 29; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 2: Withdrawal, Cease-fire and Related Measures; Article I: Cease-fire</p> <p>4. Immediately upon his arrival in Cambodia, and not later than four weeks before the beginning of the second phase, the Commander of the military component of UNTAC will, in consultation with the Parties, finalize UNTAC's plan for the regroupment and cantonment of the forces of the Parties and for the storage of their arms, ammunition and equipment, in accordance with Article III of this annex. This plan will include the designation of regroupment and cantonment areas, as well as an agreed timetable. The cantonment areas will be established at battalion size or larger.</p> <p>5. The Parties agree to take steps to inform their forces at least two weeks before the beginning of the second phase, using all possible means of communication, about the agreed date and time of the beginning of the second</p>

phase, about the agreed plan for the regroupment and cantonment of their forces and for the storage of their arms, ammunition and equipment and, in particular, about the exact locations of the regroupment areas to which their forces are to report. Such information will continue to be disseminated for a period of four weeks after the beginning of the second phase.

Page 31-32; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 2: Withdrawal Ceasefire and Related Measures; Article III: Regroupment and cantonment of the forces of the Parties and storage of their arms, ammunition and equipment

1. In accordance with the operational timetable referred to in paragraph 4 of Article 1 of the present annex, all forces of the Parties that are not already in designated cantonment areas will report to designated regroupment areas, which will be established and operated by the military component of UNTAC. These regroupment areas will be established and operational not later than one week prior to the date of the beginning of the second phase. The Parties agree to arrange for all their forces, with all their arms, ammunition and equipment, to report to regroupment areas within two weeks after the beginning of the second phase. All personnel who have reported to the regroupment areas will thereafter be escorted by personnel of the military component of UNTAC, with their arms, ammunition and equipment, to designated cantonment areas. All Parties agree to ensure that personnel reporting to the regroupment areas will be able to do so in full safety and without any hindrance.

2. On the basis of the information provided in accordance with paragraph 3 of Article 1 of the present annex, UNTAC will confirm that the regroupment and cantonment processes have been completed in accordance with the plan referred to in paragraph 4 of Article 1 of this annex. UNTAC will endeavour to complete these processes within four weeks from the date of the beginning of the second phase. On the completion of regroupment of all forces and of their movement to cantonment areas, respectively, the Commander of the military component of UNTAC will so inform each of the four Parties.

3. The Parties agree that, as their forces enter the designated cantonment areas, their personnel will be instructed by their commanders to immediately hand over all their arms, ammunition and equipment to UNTAC for storage in the custody of UNTAC.

4. UNTAC will check the arms, ammunition and equipment handed over to it against the lists referred to in paragraph 3. b) of Article 1 of this annex, in order to verify that all the arms, ammunition and equipment in the possession of the Parties have been placed under its custody.

Page 32; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 2: Withdrawal Ceasefire and Related Measures; Article IV. Resupply of forces during cantonment

The military component of UNTAC will supervise the resupply of all forces of the Parties during the regroupment and cantonment processes. Such resupply will be confined to items of a non-lethal nature such as food, water, clothing and medical supplies as well as provision of medical care.

Page 32-34; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 2: Withdrawal Ceasefire and Related Measures; Article V. Ultimate disposition of the forces of the Parties and of their arms, ammunition and equipment

1. In order to reinforce the objectives of a comprehensive political settlement, minimize the risks of a return to warfare, stabilize the security situation and build confidence among the Parties to the conflict, all Parties agree to undertake a phased and balanced process of demobilization of at least 70 percent of their military forces. This process shall be undertaken in accordance with a detailed plan to be drawn up by UNTAC on the basis of the information provided under Article 1 of this annex and in consultation with the Parties. It should be completed prior to the end of the process of registration for the

elections and on a date to be determined by the Special Representative of the Secretary-General.

2. The Cambodian Parties hereby commit themselves to demobilize all their remaining forces before or shortly after the elections and, to the extent that full demobilization is unattainable, to respect and abide by whatever decision the newly elected government that emerges in accordance with Article 12 of this Agreement takes with regard to the incorporation of parts or all of those forces into a new national army. Upon completion of the demobilization referred to in paragraph 1, the Cambodian Parties and the Special Representative of the Secretary-General shall undertake a review regarding the final disposition of the force remaining in the cantonments, with a view to determining which of the following shall apply:

a) If the Parties agree to proceed with the demobilization of all or some of the force remaining in the cantonments, preferably prior to or otherwise shortly after the elections, the Special Representative shall prepare a timetable for so doing, in consultation with them.

b) Should total demobilization of all of the residual forces before or shortly after the elections not be possible, the Parties hereby undertake to make available all of their forces remaining in cantonments to the newly elected government that emerges in accordance with Article 12 of this Agreement, for consideration for incorporation into a new national army. They further agree that any such forces are not incorporated into the new national army will be demobilized forthwith according to a plan to be prepared by the Special Representative. With regard to the ultimate disposition of the remaining forces and all the arms, ammunition and equipment, UNTAC, as it withdraws from Cambodia, shall retain such authority as is necessary to ensure an orderly transfer to the newly elected government of those responsibilities it has exercised during the transitional period.

3. UNTAC will assist, as required, with the reintegration into civilian life of the forces demobilized prior to the elections.

4. a. UNTAC will control and guard all the arms, ammunition and equipment of the Parties throughout the transitional period;

b. As the cantoned forces are demobilized in accordance with paragraph 1 above, there will be a parallel reduction by UNTAC of the arms, ammunition and equipment stored on site in the cantonment areas. For the forces remaining in the cantonment areas, access to their arms, ammunition and equipment shall only be on the basis of the explicit authorization of the Special Representative of the Secretary-General;

c. If there is a further demobilization of the military forces in accordance with paragraph 2. a) above, there will be a commensurate reduction by UNTAC of the arms, ammunition and equipment stored on site in the cantonment areas;

d. The ultimate disposition of all arms, ammunition and equipment will be determined by the government that emerges through the free and fair elections in accordance with Article 12 of this Agreement.

Page 37; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 2: Withdrawal, Cease-fire and Related Measures; Article VIII. Caches of weapons and military supplies

1. In order to stabilize the security situation, build confidence and reduce arms and military supplies throughout Cambodia, each Party agrees to provide to the Commander of the military component of UNTAC, before a date to be determined by him, all information at his disposal, including marked maps, about known or suspected caches of weapons and military supplies throughout Cambodia.

2. On the basis of information received, the military component of UNTAC shall, after the date referred to in paragraph 1, deploy verification teams to investigate each report and destroy each cache found.

Page 37-38; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 2: Withdrawal, Cease-fire and Related Measures; Article IX. Unexploded ordnance devices

1. Soon after arrival in Cambodia, the military component of UNTAC shall ensure, as a first step, that all known minefields are clearly marked.

2. The Parties agree that, after completion of the regroupment and cantonment processes in accordance with Article III of the present annex, they will make available mine-clearing teams which, under the supervision and control of UNTAC military personnel, will leave the cantonment areas in order to assist in removing, disarming or deactivating remaining unexploded ordnance devices. Those mines or objects which cannot be removed, disarmed or deactivated will be clearly marked in accordance with a system to be devised by the military component of UNTAC.

3. UNTAC shall:

- a) Conduct a mass public education programme in the recognition and avoidance of explosive devices.
- b) Train Cambodian volunteers to dispose of unexploded ordnance devices.
- c) Provide emergency first-aid training to Cambodian volunteers.

Page 13; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Part I: Arrangements During The Transitional Period; Section V: Cease-Fire and Cessation of Outside Military Assistance; Article 11

[...]

Detailed provisions regarding UNTAC's supervision, monitoring, and verification of the cease-fire and related measures, including verification of the withdrawal of foreign forces and the regrouping, cantonment and ultimate disposition of all Cambodian forces and their weapons during the transitional period are set forth in annex 1, section C, and annex 2.

Page 27; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 1: UNTAC Mandate; Section D: Elections

5. The timetable for the various phases of the electoral process will be determined by UNTAC, in consultation with the SNC as provided in paragraph 2 of this section. The duration of the electoral process will not exceed nine months from the commencement of voter registration.

tr_tim

Transitional
Timeline

Page 28-29; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 2: Withdrawal, cease-fire and related measures; Article I Cease-fire

1. All Cambodian Parties (hereinafter referred to as "the Parties") agree to observe a comprehensive cease-fire on land and water and in the air. This cease-fire will be implemented in two phases. During the first phase, the cease-fire will be observed with the assistance of the Secretary General of the United Nations through his good offices. During the second phase, which should commence as soon as possible, the cease-fire will be supervised, monitored and verified by UNTAC. The Commander of the military component of UNTAC, in consultation with the Parties, shall determine the exact time and date at which the second phase will commence. This date will be set at least four weeks in advance of its coming into effect.

2. [...] During the first phase, the Secretary-General of the United Nations will provide his good offices to the Parties to assist them in its observance. [...]

4. Immediately upon his arrival in Cambodia, and not later than four weeks before the beginning of the second phase, the Commander of the military component of UNTAC will, in consultation with the Parties, finalize UNTAC's plan for the regroupment and cantonment of the forces of the Parties and for the storage of their arms, ammunition and equipment, in accordance with Article III of this annex. This plan will include the designation of regroupment and cantonment areas, as well as an agreed timetable. The cantonment areas will be established at battalion size or larger.

5. The Parties agree to take steps to inform their forces at least two weeks before the beginning of the second phase, using all possible means of communication, about the agreed date and time of the beginning of the second phase, about the agreed plan for the regroupment and cantonment of their forces and for the storage of their arms, ammunition and equipment and, in particular, about the exact locations of the regroupment areas to which their forces are to report. Such information will continue to be disseminated for a period of four weeks after the beginning of the second phase.

Page 31; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 2: Withdrawal, cease-fire and related measures; Article III: Regroupment and cantonment of the forces of the Parties and storage of their arms, ammunition and equipment

1. [...] These regroupment areas will be established and operational not later than one week prior to the date of the beginning of the second phase. The Parties agree to arrange for all their forces, with all their arms, ammunition and equipment, to report to regroupment areas within two weeks after the beginning of the second phase. [...]

2. [...] UNTAC will endeavour to complete these processes within four weeks from the date of the beginning of the second phase. [...]

Page 34; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 2: Withdrawal, cease-fire and related measures; Article VI: Verification of withdrawal from Cambodia and non-return of all categories of foreign forces

1. UNTAC shall be provided, no later than two weeks before the commencement of the second phase of the cease-fire, with detailed information in writing regarding the withdrawal of foreign forces. This information shall include the following elements:
[...]

Page 36; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 2: Withdrawal, cease-fire and related measures; Article VII: Cessation of outside military assistance to all Cambodian Parties

2. The Signatories whose territory is adjacent to Cambodia, namely, the Governments of the Lao People's Democratic Republic, the Kingdom of Thailand and the Socialist Republic of Viet Nam, undertake to:
[...]

b. Provide written confirmation to the Commander of the military component of UNTAC, not later than four weeks after the second phase of the cease-fire begins, that no forces, arms, ammunition or military equipment of any of the Cambodian Parties are present on their territories;

c. Receive an UNTAC liaison officer in each of their capitals and designate an officer of the rank of colonel or equivalent, not later than four weeks after the beginning of the second phase of the cease-fire, in order to assist UNTAC in investigating, with due respect for their sovereignty, any complaints that activities are taking place on their territories that are contrary to the provisions of the comprehensive political settlement.

Page 40; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 3: Elections

1. The constituent assembly referred to in Article 12 of the Agreement shall consist of 120 members. Within three months from the date of the election, it shall complete its tasks of drafting and adopting a new Cambodian Constitution and transform itself into a legislative assembly which will form a new Cambodian Government.

Page 8; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict

Desiring to restore and maintain peace in Cambodia, to promote national reconciliation and to ensure the exercise of the right to selfdetermination of the Cambodian people through free and fair elections.

Page 11; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Part I: Arrangements During the Transitional Period; Section III: Supreme National Council

Article 4

The members of the SNC shall be committed to the holding of free and fair elections organized and conducted by the United Nations as the basis for forming a new and legitimate Government.

Article 6

In order to ensure a neutral political environment conducive to free and fair general elections, administrative agencies, bodies and offices which could directly influence the outcome of elections will be placed under direct United Nations supervision or control. [...]

Page 13-14; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Part II: Elections

Article 12

The Cambodian people shall have the right to determine their own political future through the free and fair election of a constituent assembly, which will draft and approve a new Cambodian Constitution in accordance with Article 23 and transform itself into a legislative assembly, which will create the new Cambodian Government. This election will be held under United Nations auspices in a neutral political environment with full respect for the national sovereignty of Cambodia.

Article 13

UNTAC shall be responsible for the organization and conduct of these elections based on the provisions of annex 1, section D, and annex 3.

Article 14

All Signatories commit themselves to respect the results of these elections once certified as free and fair by the United Nations.

Page 25-27; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 1: UNTAC Mandate; Section D: Elections

1. UNTAC will organize and conduct the election referred to in Part II of this Agreement in accordance with this section and annex 3.

2. UNTAC may consult with the SNC regarding the organization and conduct of the electoral process.

3. In the exercise of its responsibilities in relation to the electoral process, the specific authority of UNTAC will include the following:

a) The establishment, in consultation with the SNC, of a system of laws, procedures and administrative measures necessary for the holding of a free and fair election in Cambodia, including the adoption of an electoral law and of a code of conduct regulating participation in the election in a manner consistent with respect for human rights and prohibiting coercion or financial inducement in order to influence voter preference;

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Electoral & Political
Party Reform

- b) The suspension or abrogation, in consultation with the SNC, of provisions of existing laws which could defeat the objects and purposes of this Agreement;
- c) The design and implementation of a voter education programme, covering all aspects of the election, to support the election process;
- d) The design and implementation of a system of voter registration, as a first phase of the electoral process, to ensure that eligible voters have the opportunity to register, and the subsequent preparation of verified voter registration lists;
- e) The design and implementation of a system of registration of political parties and lists of candidates;
- f) Ensuring fair access to the media, including press, television and radio, for all political parties contesting in the election;
- g) The adoption and implementation of measures to monitor and facilitate the participation of Cambodians in the elections, the political campaign and the balloting procedures;
- h) The design and implementation of a system of balloting and polling, to ensure that registered voters have the opportunity to vote;
- i) The establishment, in consultation with the SNC, of co-ordinated arrangements to facilitate the presence of foreign observers wishing to observe the campaign and voting;
- j) Overall direction of polling and the vote count;
- k) The identification and investigation of complaints of electoral irregularities, and the taking of appropriate corrective action;
- l) Determining whether or not the election was free and fair and, if so, certification of the list of persons duly elected.

4. In carrying out its responsibilities under the present section, UNTAC will establish a system of safeguards to assist it in ensuring the absence of fraud during the electoral process, including arrangements for Cambodian representatives to observe the registration and polling procedures and the provision of an UNTAC mechanism for hearing and deciding complaints.

5. The timetable for the various phases of the electoral process will be determined by UNTAC, in consultation with the SNC as provided in paragraph 2 of this section. The duration of the electoral process will not exceed nine months from the commencement of voter registration.

6. In organizing and conducting the electoral process, UNTAC will make every effort to ensure that the system and procedures adopted are absolutely impartial, while the operational arrangements are as administratively simple and efficient as possible.

Page 40-41; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex III: Elections

1. The constituent assembly referred to in Article 12 of the Agreement shall consist of 120 members. Within three months from the date of the election, it shall complete its tasks of drafting and adopting a new Cambodian Constitution and transform itself into a legislative assembly which will form a new Cambodian Government.

2. The election referred to in Article 12 of the Agreement will be held throughout Cambodia on a provincial basis in accordance with a system of proportional representation on the basis of lists of candidates put forward by political parties.

3. All Cambodians, including those who at the time of signature of this Agreement are Cambodian refugees and displaced persons, will have the same rights, freedoms and opportunities to take part in the electoral process.

4. Every person who has reached the age of eighteen at the time of application to register; or who turns eighteen during the registration period, and who either was born in Cambodia or is the child of a person born in Cambodia, will be eligible to vote in the election.

5. Political parties may be formed by any group of five thousand registered voters. Party platforms shall be consistent with the principles and objectives of the Agreement on a comprehensive political settlement.

6. Party affiliation will be required in order to stand for election to the constituent assembly. Political parties will present lists of candidates standing for election on their behalf, who will be registered voters.

7. Political parties and candidates will be registered in order to stand for election. UNTAC will confirm that political parties and candidates meet the established criteria in order to qualify for participation in the election. Adherence to a Code of Conduct established by UNTAC in consultation with the SNC will be a condition for such participation.

8. Voting will be by secret ballot, with provision made to assist those who are disabled or who cannot read or write.

9. The freedoms of speech, assembly and movement will be fully respected. All registered political parties will enjoy fair access to the media, including the press, television and radio.

Page 47; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 5: Principles for a New Constitution for Cambodia

4. The constitution will state that Cambodia will follow a system of liberal democracy, on the basis of pluralism. It will provide for periodic and genuine elections. It will provide for the right to vote and to be elected by universal and equal suffrage. It will provide for voting by secret ballot, with a requirement that electoral procedures provide a full and fair opportunity to organize and participate in the electoral process.

Page 55-57; IV. Declaration on the Rehabilitation and Reconstruction of Cambodia

1. The primary objective of the reconstruction of Cambodia should be the advancement of the Cambodian nation and people, without discrimination or prejudice, and with full respect for human rights and fundamental freedom for all. The achievement of this objective requires the full implementation of the comprehensive political settlement.

2. The main responsibility for deciding Cambodia's reconstruction needs and plans should rest with the Cambodian people and the government formed after free and fair elections. No attempt should be made to impose a development strategy on Cambodia from any outside source or deter potential donors from contributing to the reconstruction of Cambodia.

3. International, regional and bilateral assistance to Cambodia should be coordinated as much as possible, complement and supplement local resources and be made available impartially with full regard for Cambodia's sovereignty, priorities, institutional means and absorptive capacity.

4. In the context of the reconstruction effort, economic aid should benefit all areas of Cambodia, especially the more disadvantaged, and reach all levels of society.

5. The implementation of an international aid effort would have to be phased in over a period that realistically acknowledges both political and technical imperatives. It would also necessitate a significant degree of cooperation between the future Cambodian Government and bilateral, regional and international contributors.

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Socio-Economic
Development

	<p>6. An important role will be played in rehabilitation and reconstruction by the United Nations system. The launching of an international reconstruction plan and an appeal for contributions should take place at an appropriate time, so as to ensure its success.</p> <p>7. No effective programme of national reconstruction can be initiated without detailed assessments of Cambodia's human, natural and other economic assets. It will be necessary for a census to be conducted, developmental priorities identified, and the availability of resources, internal and external, determined. [...]</p> <p>8. With the achievement of the comprehensive political settlement, it is now possible and desirable to initiate a process of rehabilitation, addressing immediate needs, and to lay the groundwork for the preparation of medium- and long-term reconstruction plans.</p> <p>9. For this period of rehabilitation, the United Nations Secretary-General is requested to help coordinate the programme guided by a person appointed for this purpose.</p> <p>10. In this rehabilitation phase, particular attention will need be given to food security, health, housing, training, education, the transport network and the restoration of Cambodia's existing basic infrastructure and public utilities.</p> <p>11. The implementation of a longer-term international development plan for reconstruction should await the formation of a government following the elections and the determination and adoption of its own policies and priorities.</p> <p>12. This reconstruction phase should promote Cambodian entrepreneurship and make use of the private sector, among other sectors, to help advance self-sustaining economic growth. It would also benefit from regional approaches, involving, inter alia, institutions such as the Economic and Social Commission for Asia and the Pacific (ESCAP) and the Mekong Committee, and Governments within the region; and from participation by non-governmental organizations.</p> <p>13. In order to harmonize and monitor the contributions that will be made by the international community to the reconstruction of Cambodia after the formation of a government following the elections, a consultative body, to be called the International Committee on the Reconstruction of Cambodia (ICORC), should be set up at an appropriate time and be open to potential donors and other relevant parties. The United Nations Secretary General is requested to make special arrangements for the United Nations system to support ICORC in its work, notably in ensuring a smooth transition from the rehabilitation to reconstruction phases.</p>
<p>tr_cul</p>	<p>Cultural Heritage/ Protections</p>
<p>tr_fin</p>	<p>Financial Arrangements</p>
<p>tj_dsm</p>	<p>Page 18; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Part IX: Final Provisions; Article 25</p> <p>The Signatories shall, in good faith and in a spirit of cooperation, resolve through peaceful means any disputes with respect to the implementation of this Agreement.</p> <p>Page 21-22; Annex 1: UNTAC Mandate; Section A. General Procedures</p>

2. The following mechanism will be used to resolve all issues relating to the implementation of this Agreement which may arise between the Secretary-General's Special Representative and the Supreme National Council (SNC):

(a) The SNC offers advice to UNTAC, which will comply with this advice provided there is a consensus among the members of the SNC and provided this advice is consistent with the objectives of the present Agreement;

(b) If there is no consensus among the members of the SNC despite every endeavour of its President, H.R.H. Samdech NORODOM SIHANOUK, the President will be entitled to make the decision on what advice to offer to UNTAC, taking fully into account the views expressed in the SNC. UNTAC will comply with the advice provided it is consistent with the objectives of the present Agreement;

(c) If H.R.H. Samdech NORODOM SIHANOUK, President of the SNC, the legitimate representative of Cambodian sovereignty, is not, for whatever reason, in a position to make such a decision, his power of decision will transfer to the Secretary-General's Special Representative. The Special Representative will make the final decision, taking fully into account the views expressed in the SNC;

(d) Any power to act regarding the implementation of this Agreement conferred upon the SNC by the Agreement will be exercised by consensus or, failing such consensus, by its President in accordance with the procedure set out above. In the event that H.R.H. Samdech NORODOM SIHANOUK, President of the SNC, the legitimate representative of Cambodian sovereignty, is not, for whatever reason, in a position to act, his power to act will transfer to the Secretary-General's Special Representative, who may take the necessary action;

(e) In all cases, the Secretary-General's Special Representative will determine whether advice or action of the SNC is consistent with the present Agreement.

3. The Secretary-General's Special Representative or his delegate will attend the meetings of the SNC and of any subsidiary body which might be established by it and give its members all necessary information on the decisions taken by UNTAC.

[...]

Page 12; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Part I: Arrangements During the Transitional Period; Section IV: Withdrawal of Foreign Forces and its Verification; Article 8

Immediately upon entry into force of this Agreement, any foreign forces, advisers, and military personnel remaining in Cambodia, together with their weapons, ammunition, and equipment, shall be withdrawn from Cambodia and not be returned. Such withdrawal and non-return will be subject to UNTAC verification in accordance with annex 2.

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Verification &
Monitoring
Mechanism

Page 13; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Part I: Arrangements During the Transitional Period; Section V: Cease-Fire and Cessation of Outside Military Assistance; Article 11

[...]

Detailed provisions regarding UNTAC's supervision, monitoring, and verification of the cease-fire and related measures, including verification of the withdrawal of foreign forces and the regrouping, cantonment and ultimate disposition of all Cambodian forces and their weapons during the transitional period are set forth in annex 1, section C, and annex 2.

Page 15; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Part III: Human Rights; Article 17

After the end of the transitional period, the United Nations Commission on Human Rights should continue to monitor closely the human rights situation in

Cambodia, including, if necessary, by the appointment of a Special Rapporteur who would report his findings annually to the Commission and to the General Assembly.

Page 24; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 1: UNTAC mandate; Section C: Military Functions

1. UNTAC will supervise, monitor and verify the withdrawal of foreign forces, the cease-fire and related measures in accordance with annex 2, including: [...]
2. UNTAC will supervise the regrouping and relocating of all forces to specifically designated cantonment areas on the basis of an operational timetable to be agreed upon, in accordance with annex 2.

Page 28; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 2: Withdrawal, cease-fire and related measures; Article I: Cease-fire

1. [...] During the second phase, which should commence as soon as possible, the cease-fire will be supervised, monitored and verified by UNTAC. [...]

Page 32; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 2: Withdrawal, Cease-fire and Related Measures; Article III: Regroupment and cantonment of the forces of the Parties and storage of their arms, ammunition and equipment

4. UNTAC will check the arms, ammunition and equipment handed over to it against the lists referred to in paragraph 3. b) of Article 1 of this annex, in order to verify that all the arms, ammunition and equipment in the possession of the Parties have been placed under its custody.

Page 35; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 2: Withdrawal, cease-fire and related measures; Article VI: Verification of withdrawal from Cambodia and non-return of all categories of foreign forces

3. [...] UNTAC will also establish checkpoints on withdrawal routes, border crossing points and airfields to verify the withdrawal and ensure the non return of all categories of foreign forces.

Page 36-37; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 2: Withdrawal, cease-fire and related measures; Article VII: Cessation of outside military assistance to all Cambodian Parties

3. To enable UNTAC to monitor the cessation of outside assistance to all Cambodian Parties, the Parties agree that, upon signature of this Agreement, they will provide to UNTAC any information available to them about the routes and means by which military assistance, including weapons, ammunition and military equipment, have been supplied to any of the Parties. Immediately after the second phase of the cease-fire begins, UNTAC will take the following practical measures: [...]

Page 37; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 2: Withdrawal, cease-fire and related measures; Article VIII Caches of weapons and military supplies

2. On the basis of information received, the military component of UNTAC shall, after the date referred to in paragraph 1, deploy verification teams to investigate each report and destroy each cache found.

Page 44; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 4: Repatriation of Cambodian Refugees and Displaced Persons; Part III: Operational Factors

10. The SNC, the Governments of the countries in which the Cambodian refugees and displaced persons have sought temporary refuge, and the countries which contribute to the repatriation and integration effort will wish to monitor closely and facilitate the repatriation of the returnees. An ad hoc consultative body should be established for a limited term for these purposes. The UNHCR, the ICRC, and other international agencies as appropriate, as well as UNTAC, would be invited to join as full participants.

Page 52; Agreement Concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia; Article 3

3. The United Nations Commission on Human Rights should continue to monitor closely the human rights situation in Cambodia, including, if necessary, by the appointment of a Special Rapporteur who would report his findings annually to the Commission and to the General Assembly.

Page 57; Declaration on the Rehabilitation and Reconstruction of Cambodia

13. In order to harmonize and monitor the contributions that will be made by the international community to the reconstruction of Cambodia after the formation of a government following the elections, a consultative body, to be called the International Committee on the Reconstruction of Cambodia (ICORC), should be set up at an appropriate time and be open to potential donors and other relevant parties. The United Nations Secretary General is requested to make special arrangements for the United Nations system to support ICORC in its work, notably in ensuring a smooth transition from the rehabilitation to reconstruction phases.

Page 9; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict

Recognizing that an enhanced United Nations role requires the establishment of a United Nations Transitional Authority in Cambodia (UNTAC) with civilian and military components, which will act with full respect for the national sovereignty of Cambodia,

Page 10; Part I: Arrangements During the Transitional Period; Section II: United Nations Transitional Authority in Cambodia; Article 2

1. The Signatories invite the United Nations Security Council to establish a United Nations Transitional Authority in Cambodia (hereinafter referred to as "UNTAC") with civilian and military components under the direct responsibility of the Secretary-General of the United Nations. For this purpose the Secretary-General will designate a Special Representative to act on his behalf.

2. The Signatories further invite the United Nations Security Council to provide UNTAC with the mandate set forth in this Agreement and to keep its implementation under continuing review through periodic reports submitted by the Secretary-General.

Page 12; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Section III: Supreme National Council

Article 6

[...] To reflect the importance of these subjects, UNTAC needs to exercise such control as is necessary to ensure the strict neutrality of the bodies responsible for them. The United Nations, in consultation with the SNC, will identify which agencies, bodies and offices could continue to operate in order to ensure normal day-to-day life in the country.

ia_pko

Peacekeeping

Article 7

The relationship between the SNC, UNTAC and existing administrative structures is set forth in annex 1.

Page 13; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Part I: Arrangements During the Transitional Period; Section V: Cease-Fire and Cessation of Outside Military Assistance; Article 11

[...] Detailed provisions regarding UNTAC's supervision, monitoring, and verification of the cease-fire and related measures, including verification of the withdrawal of foreign forces and the regrouping, cantonment and ultimate disposition of all Cambodian forces and their weapons during the transitional period are set forth in annex 1, section C, and annex 2.

Page 15; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Part III: Human Rights; Article 16

UNTAC shall be responsible during the transitional period for fostering an environment in which respect for human rights shall be ensured, based on the provisions of annex 1, section E.

Page 19; Part IX: Final Provisions, Article 28

1. The Signatories shall comply in good faith with all obligations undertaken in this Agreement and shall extend full cooperation to the United Nations, including the provision of the information which UNTAC requires in the fulfilment of its mandate.

Page 21-22; Annex 1: UNTAC Mandate; Section A: General Procedures

1. In accordance with Article 6 of the Agreement, UNTAC will exercise the powers necessary to ensure the implementation of this Agreement, including those relating to the organization and conduct of free and fair elections and the relevant aspects of the administration of Cambodia.

2. The following mechanism will be used to resolve all issues relating to the implementation of this Agreement which may arise between the Secretary-General's Special Representative and the Supreme National Council (SNC):

a) The SNC offers advice to UNTAC, which will comply with this advice provided there is a consensus among the members of the SNC and provided this advice is consistent with the objectives of the present Agreement;

b) If there is no consensus among the members of the SNC despite every endeavour of its President, H.R.H. Samdech Norodom Sihanouk, the President will be entitled to make the decision on what advice to offer to UNTAC, taking fully into account the views expressed in the SNC. UNTAC will comply with the advice provided it is consistent with the objectives of the present Agreement;

c) If H.R.H. Samdech Norodom Sihanouk, President of the SNC, the legitimate representative of Cambodian sovereignty, is not, for whatever reason, in a position to make such a decision, his power of decision will transfer to the Secretary-General's Special Representative. The Special Representative will make the final decision, taking fully into account the views expressed in the SNC;

d) Any power to act regarding the implementation of this Agreement conferred upon the SNC by the Agreement will be exercised by consensus or, failing such consensus, by its President in accordance with the procedure set out above. In the event that H.R.H. Samdech Norodom Sihanouk, President of the SNC, the legitimate representative of Cambodian sovereignty, is not, for whatever reason, in a position to act, his power to act will transfer to the

Secretary-General's Special Representative, who may take the necessary action;

e) In all cases, the Secretary-General's Special Representative will determine whether advice or action of the SNC is consistent with the present Agreement.

3. The Secretary-General's Special Representative or his delegate will attend the meetings of the SNC and of any subsidiary body which might be established by it and give its members all necessary information on the decisions taken by UNTAC.

Page 22-24; Annex 1: UNTAC Mandate; Section B: Civil Administration

1. In accordance with Article 6 of the Agreement, all administrative agencies, bodies and offices acting in the field of foreign affairs, national defence, finance, public security and information will be placed under the direct control of UNTAC, which will exercise it as necessary to ensure strict neutrality. In this respect, the Secretary-General's Special Representative will determine what is necessary and may issue directives to the above-mentioned administrative agencies, bodies and offices. Such directives may be issued to and will bind all Cambodian Parties.

2. In accordance with Article 6 of the Agreement, the Secretary-General's Special Representative, in consultation with the SNC, will determine which other administrative agencies, bodies and offices could directly influence the outcome of elections. These administrative agencies, bodies and offices will be placed under direct supervision or control of UNTAC and will comply with any guidance provided by it.

3. In accordance with Article 6 of the Agreement, the Secretary-General's Special Representative, in consultation with the SNC, will identify which administrative agencies, bodies and offices could continue to operate in order to ensure normal day-to-day life in Cambodia, if necessary, under such supervision by UNTAC as it considers necessary.

4. In accordance with Article 6 of the Agreement, the authority of the Secretary-General's Special Representative will include the power to:

a) Install in administrative agencies, bodies and offices of all the Cambodian Parties United Nations personnel, who will have unrestricted access to all administrative operations and information;

b) Require the reassignment or removal of any personnel of such administrative agencies, bodies and offices.

5. a) On the basis of the information provided in Article I, paragraph 3, of annex 2, the Special Representative of the Secretary-General will determine, after consultation with the Cambodian Parties, those civil police necessary to perform law enforcement in Cambodia. All Cambodian Parties hereby undertake to comply with the determination made by the Special Representative in this regard;

b) All civil police will operate under UNTAC supervision or control, in order to ensure that law and order are maintained effectively and impartially, and that human rights and fundamental freedoms are fully protected. In consultation with the SNC, UNTAC will supervise other law enforcement and judicial processes throughout Cambodia to the extent necessary to ensure the attainment of these objectives.

6. If the Secretary-General's Special Representative deems it necessary, UNTAC, in consultation with the SNC, will undertake investigations of complaints and allegations regarding actions by the existing administrative structures in Cambodia that are inconsistent with or work against the objectives of this comprehensive political settlement. UNTAC will also be empowered to undertake such investigation on its own initiative. UNTAC will take, when necessary, appropriate corrective steps.

Page 24-25; Annex 1: UNTAC Mandate; Section C: Military Functions

1. UNTAC will supervise, monitor and verify the withdrawal of foreign forces, the ceasefire and related measures in accordance with annex 2, including:

a) Verification of the withdrawal from Cambodia of all categories of foreign forces, advisers and military personnel and their weapons, ammunition and equipment, and their non-return to Cambodia

b) Liaison with neighbouring Governments over any developments in or near their territory that could endanger the implementation of this Agreement;

c) Monitoring the cessation of outside military assistance to all Cambodian Parties;

d) Locating and confiscating caches of weapons and military supplies throughout the country;

e) Assisting with clearing mines and undertaking training programmes in mine clearance and a mine awareness programme among the Cambodian people.

2. UNTAC will supervise the regrouping and relocating of all forces to specifically designated cantonment areas on the basis of an operational timetable to be agreed upon, in accordance with annex 2.

3. As the forces enter the cantonments, UNTAC will initiate the process of arms control and reduction specified in annex 2.

4. UNTAC will take necessary steps regarding the phased process of demobilisation of the military forces of the parties, in accordance with annex 2.

5. UNTAC will assist, as necessary, the International Committee of the Red Cross in the release of all prisoners of war and civilian internees.

Page 25-27; Annex 1: UNTAC Mandate; Section D: Elections

1. UNTAC will organize and conduct the election referred to in Part II of this Agreement in accordance with this section and annex 3.

2. UNTAC may consult with the SNC regarding the organization and conduct of the electoral process.

3. In the exercise of its responsibilities in relation to the electoral process, the specific authority of UNTAC will include the following:

a) The establishment, in consultation with the SNC, of a system of laws, procedures and administrative measures necessary for the holding of a free and fair election in Cambodia, including the adoption of an electoral law and of a code of conduct regulating participation in the election in a manner consistent with respect for human rights and prohibiting coercion or financial inducement in order to influence voter preference;

b) The suspension or abrogation, in consultation with the SNC, of provisions of existing laws which could defeat the objects and purposes of this Agreement;

c) The design and implementation of a voter education programme, covering all aspects of the election, to support the election process;

d) The design and implementation of a system of voter registration, as a first phase of the electoral process, to ensure that eligible voters have the opportunity to register, and the subsequent preparation of verified voter registration lists;

e) The design and implementation of a system of registration of political parties and lists of candidates;

f) Ensuring fair access to the media, including press, television and radio, for all political parties contesting in the election;

g) The adoption and implementation of measures to monitor and facilitate the participation of Cambodians in the elections, the political campaign and the balloting procedures;

h) The design and implementation of a system of balloting and polling, to ensure that registered voters have the opportunity to vote;

i) The establishment, in consultation with the SNC, of co-ordinated arrangements to facilitate the presence of foreign observers wishing to observe the campaign and voting;

j) Overall direction of polling and the vote count;

k) The identification and investigation of complaints of electoral irregularities, and the taking of appropriate corrective action;

l) Determining whether or not the election was free and fair and, if so, certification of the list of persons duly elected.

4. In carrying out its responsibilities under the present section, UNTAC will establish a system of safeguards to assist it in ensuring the absence of fraud during the electoral process, including arrangements for Cambodian representatives to observe the registration and polling procedures and the provision of an UNTAC mechanism for hearing and deciding complaints.

5. The timetable for the various phases of the electoral process will be determined by UNTAC, in consultation with the SNC as provided in paragraph 2 of this section. The duration of the electoral process will not exceed nine months from the commencement of voter registration.

6. In organizing and conducting the electoral process, UNTAC will make every effort to ensure that the system and procedures adopted are absolutely impartial, while the operational arrangements are as administratively simple and efficient as possible.

Page 27; Annex 1: UNTAC Mandate; Section E: Human Rights

In accordance with Article 16, UNTAC will make provisions for:

a) The development and implementation of a programme of human rights education to promote respect for and understanding of human rights;

b) General human rights oversight during the transitional period;

c) The investigation of human rights complaints, and, where appropriate, corrective action.

Page 28-39; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 2: Withdrawal, Cease-fire and Related Measures

Article I: Cease-fire

1. All Cambodian Parties (hereinafter referred to as "the Parties") agree to observe a comprehensive cease-fire on land and water and in the air. This cease-fire will be implemented in two phases. During the first phase, the cease-fire will be observed with the assistance of the Secretary General of the United Nations through his good offices. During the second phase, which should commence as soon as possible, the cease-fire will be supervised, monitored and verified by UNTAC. The Commander of the military component of UNTAC, in consultation with the Parties, shall determine the exact time and date at which the second phase will commence. This date will be set at least four weeks in advance of its coming into effect.

3. The Parties agree that, immediately upon the signing of this Agreement, the following information will be provided to the United Nations:

[...]

Article II: Liaison system and Mixed Military Working Group

A Mixed Military Working Group (MMWG) will be established with a view to resolving any problems that may arise in the observance of the cease-fire. It will be chaired by the most senior United Nations military officer in Cambodia or his representative. Each Party agrees to designate an officer of the rank of brigadier or equivalent to serve on the MMWG. Its composition, method of operation and meeting places will be determined by the most senior United Nations military officer in consultation with the Parties. Similar liaison arrangements will be made at lower military command levels to resolve practical problems on the ground.

Article III: Regroupment and cantonment of the forces of the Parties and storage of their arms, ammunition and equipment

1. In accordance with the operational timetable referred to in paragraph 4 of Article I of the present annex, all forces of the Parties that are not already in designated cantonment areas will report to designated regroupment areas, which will be established and operated by the military component of UNTAC. [...]

2. On the basis of the information provided in accordance with paragraph 3 of Article I of the present annex, UNTAC will confirm that the regroupment and cantonment processes have been completed in accordance with the plan referred to in paragraph 4 of Article I of this annex. UNTAC will endeavour to complete these processes within four weeks from the date of the beginning of the second phase. On the completion of regroupment of all forces and of their movement to cantonment areas, respectively, the Commander of the military component of UNTAC will so inform each of the four Parties.

3. The Parties agree that, as their forces enter the designated cantonment areas, their personnel will be instructed by their commanders to immediately hand over all their arms, ammunition and equipment to UNTAC for storage in the custody of UNTAC.

4. UNTAC will check the arms, ammunition and equipment handed over to it against the lists referred to in paragraph 3. b) of Article I of this annex, in order to verify that all the arms, ammunition and equipment in the possession of the Parties have been placed under its custody.

Article IV: Resupply of forces during cantonment

The military component of UNTAC will supervise the resupply of all forces of the Parties during the regroupment and cantonment processes. Such resupply will be confined to items of a non-lethal nature such as food, water, clothing and medical supplies as well as provision of medical care.

Article V: Ultimate disposition of the forces of the Parties and of their arms, ammunition and equipment

3. UNTAC will assist, as required, with the reintegration into civilian life of the forces demobilized prior to the elections.

4. (a) UNTAC will control and guard all the arms, ammunition and equipment of the Parties throughout the transitional period;

(b) As the cantoned forces are demobilized in accordance with paragraph 1 above, there will be a parallel reduction by UNTAC of the arms, ammunition and equipment stored on site in the cantonment areas. For the forces remaining in the cantonment areas, access to their arms, ammunition and equipment shall only be on the basis of the explicit authorization of the Special Representative of the Secretary-General;

(c) If there is a further demobilization of the military forces in accordance with paragraph 2. a) above, there will be a commensurate reduction by UNTAC of the arms, ammunition and equipment stored on site in the cantonment areas;

Article VI Verification of withdrawal from Cambodia and non-return of all categories of foreign forces

1. UNTAC shall be provided, no later than two weeks before the commencement of the second phase of the ceasefire, with detailed information in writing regarding the withdrawal of foreign forces. This information shall include the following elements:

- a) Total strength of these forces and their organization and deployment;
- b) Comprehensive lists of arms, ammunition and equipment held by these forces, and their exact locations;
- c) Withdrawal plan (already implemented or to be implemented), including withdrawal routes, border crossing points and time of departure from Cambodia.

2. On the basis of the information provided in accordance with paragraph 1 above, UNTAC will undertake an investigation in the manner it deems appropriate. The Party providing the information will be required to make personnel available to accompany UNTAC investigators.

3. Upon confirmation of the presence of any foreign forces, UNTAC will immediately deploy military personnel with the foreign forces and accompany them until they have withdrawn from Cambodian territory. UNTAC will also establish checkpoints on withdrawal routes, border crossing points and airfields to verify the withdrawal and ensure the non return of all categories of foreign forces.

4. The Mixed Military Working Group (MMWG) provided for in Article II of this annex will assist UNTAC in fulfilling the above-mentioned tasks.

Article VII: Cessation of outside military assistance to all Cambodian Parties

2. The Signatories whose territory is adjacent to Cambodia, namely, the Governments of the Lao People's Democratic Republic, the Kingdom of Thailand and the Socialist Republic of Viet Nam, undertake to:

[...] c. Receive an UNTAC liaison officer in each of their capitals and designate an officer of the rank of colonel or equivalent, not later than four weeks after the beginning of the second phase of the cease-fire, in order to assist UNTAC in investigating, with due respect for their sovereignty, any complaints that activities are taking place on their territories that are contrary to the provisions of the comprehensive political settlement.

Article VIII: Caches of weapons and military supplies

2. On the basis of information received, the military component of UNTAC shall, after the date referred to in paragraph 1, deploy verification teams to investigate each report and destroy each cache found.

Article IX: Unexploded ordnance devices

2. The Parties agree that, after completion of the regroupment and cantonment processes in accordance with Article III of the present annex, they will make available mine-clearing teams which, under the supervision and control of UNTAC military personnel, will leave the cantonment areas in order to assist in removing, disarming or deactivating remaining unexploded ordnance devices. Those mines or objects which cannot be removed, disarmed or deactivated will be clearly marked in accordance with a system to be devised by the military component of UNTAC.

3. UNTAC shall:

- a. Conduct a mass public education programme in the recognition and avoidance of explosive devices;
- b. Train Cambodian volunteers to dispose of unexploded ordnance devices;
- c. Provide emergency first-aid training to Cambodian volunteers.

Article XI: Release of prisoners of war:

The military component of UNTAC will provide assistance as required to the International Committee of the Red Cross in the latter's discharge of its functions relating to the release of prisoners of war.

Article XII: Repatriation and resettlement of displaced Cambodians

The military component of UNTAC will provide assistance as necessary in the repatriation of Cambodian refugees and displaced persons carried out in accordance with Articles 19 and 20 of this Agreement, in particular in the clearing of mines from repatriation routes, reception centres and resettlement areas, as well as in the protection of the reception centres.

Page 41; Annex 3: Elections

7. Political parties and candidates will be registered in order to stand for election. UNTAC will confirm that political parties and candidates meet the established criteria in order to qualify for participation in the election. Adherence to a Code of Conduct established by UNTAC in consultation with the SNC will be a condition for such participation.

Page 6-7; Final Act of the Paris Conference on Cambodia

12. The States participating in the Conference call upon the co-Presidents of the Conference to transmit an authentic copy of the comprehensive political settlement instruments to the Secretary-General of the United Nations. The States participating in the Conference request the Secretary General to take the appropriate steps in order to enable consideration of the comprehensive settlement by the United Nations Security Council at the earliest opportunity. They pledge their full cooperation in the fulfillment of this comprehensive settlement and their assistance in its implementation.

Above all, in view of the recent tragic history of Cambodia, the States participating in the Conference commit themselves to promote and encourage respect for and observance of human rights and fundamental freedoms in Cambodia, as embodied in the relevant international instruments to which they are party.

15. Further recognizing the need for a concerted international effort to assist Cambodia in the tasks of rehabilitation and reconstruction, the States participating in the Conference urge the international community to provide generous economic and financial support for the measures set forth in the Declaration on the Rehabilitation and Reconstruction of Cambodia.

Page 10; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Part I: Arrangements During The Transitional Period; Section I: Transitional Period; Article 1

For the purposes of this Agreement, the transitional period shall commence with the entry into force of this Agreement and terminate when the constituent assembly elected through free and fair elections, organized and certified by the United Nations, has approved the constitution and transformed itself into a legislative assembly, and thereafter a new government has been created.

Page 11-12; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Part I: Arrangements During The Transitional Period; Section III: Supreme National Council

Article 4

The members of the SNC shall be committed to the holding of free and fair elections organized and conducted by the United Nations as the basis for forming a new and legitimate Government.

Article 6

The SNC hereby delegates to the United Nations all powers necessary to ensure the implementation of this Agreement, as described in annex 1.

In order to ensure a neutral political environment conducive to free and fair general elections, administrative agencies, bodies and offices which could directly influence the outcome of elections will be placed under direct United Nations supervision or control. In that context, special attention will be given to foreign affairs, national defence, finance, public security and information. To reflect the importance of these subjects, UNTAC needs to exercise such control as is necessary to ensure the strict neutrality of the bodies responsible for them. The United Nations, in consultation with the SNC, will identify which agencies, bodies and offices could continue to operate in order to ensure normal day-to-day life in the country.

ia_adv

International
Assistance &
Advice

Page 12-13; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Part I: Arrangements During The Transitional Period; Section V: Cease-Fire and Cessation of Outside Military Assistance; Article 9

[...] The Signatories hereby invite the Security Council of the United Nations to request the Secretary-General to provide good offices to assist in this process until such time as the military component of UNTAC is in position to supervise, monitor and verify it.

Page 13-14; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Part II: Elections

Article 12

The Cambodian people shall have the right to determine their own political future through the free and fair election of a constituent assembly, which will draft and approve a new Cambodian Constitution in accordance with Article 23 and transform itself into a legislative assembly, which will create the new Cambodian Government. This election will be held under United Nations auspices in a neutral political environment with full respect for the national sovereignty of Cambodia.

[...]

Article 14

All Signatories commit themselves to respect the results of these elections once certified as free and fair by the United Nations.

Page 15; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Part III: Human Rights; Article 17

After the end of the transitional period, the United Nations Commission on Human Rights should continue to monitor closely the human rights situation in Cambodia, including, if necessary, by the appointment of a Special Rapporteur who would report his findings annually to the Commission and to the General Assembly.

Page 16; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Part V: Refugees and Displaced Persons; Article 20

(2) The Signatories request the Secretary-General of the United Nations to facilitate the repatriation in safety and dignity of Cambodian refugees and displaced persons, as an integral part of the comprehensive political settlement and under the overall authority of the Special Representative of the Secretary-General, in accordance with the guidelines and principles on the repatriation of refugees and displaced persons as set forth in annex 4.

Page 18; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Part VIII: Rehabilitation and Reconstruction; Article 24

The Signatories urge the international community to provide economic and financial support for the rehabilitation and reconstruction of Cambodia, as provided in a separate declaration.

Page 18; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Part IX: Final Provisions; Article 26

The Signatories request other States, international organizations and other bodies to cooperate and assist in the implementation of this Agreement and in the fulfilment by UNTAC of its mandate.

Page 28; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 2: Withdrawal, Cease-Fire and Related Measures; Article I: Cease-fire

1. All Cambodian Parties (hereinafter referred to as "the Parties") agree to observe a comprehensive cease-fire on land and water and in the air. This cease-fire will be implemented in two phases. During the first phase, the cease-fire will be observed with the assistance of the Secretary General of the United Nations through his good offices. During the second phase, which should commence as soon as possible, the cease-fire will be supervised, monitored and verified by UNTAC. The Commander of the military component of UNTAC, in consultation with the Parties, shall determine the exact time and date at which the second phase will commence. This date will be set at least four weeks in advance of its coming into effect.

2. The Parties undertake that, upon the signing of this Agreement, they will observe a cease-fire and will order their armed forces immediately to disengage and refrain from all hostilities and any deployment, movement or action that would extend the territory they control or that might lead to a resumption of fighting, pending the commencement of the second phase. "Forces" are agreed to include all regular, provincial, district, paramilitary and other auxiliary forces. During the first phase, the Secretary-General of the United Nations will provide his good offices to the Parties to assist them in its observance. The Parties undertake to cooperate with the Secretary-General or his representatives in the exercise of his good offices in this regard.

Page 43-45; Agreement on a Comprehensive Political Settlement of the Cambodia Conflict; Annex 4: Repatriation of Cambodian Refugees and Displaced Persons; Part III: Operational Factors

8. Consistent with respect for principles of national sovereignty in the countries of temporary refuge and origin, and in close cooperation with the countries of temporary refuge and origin, full access by the Office of the United Nations High Commissioner for Refugees (UNHCR), ICRC and other relevant international agencies should be guaranteed to all Cambodian refugees and displaced persons, with a view to the agencies undertaking the census, tracing, medical assistance, food distribution and other activities vital to the discharge of their mandate and operational responsibilities; such access should also be provided in Cambodia to enable the relevant international organizations to carry out their traditional monitoring as well as operational responsibilities.

9. In the context of the comprehensive political settlement, the Signatories note with satisfaction that the Secretary-General of the United Nations has entrusted UNHCR with the role of leadership and coordination among intergovernmental agencies assisting with the repatriation and relief of Cambodian refugees and displaced persons. The Signatories look to all nongovernmental organizations to coordinate as much as possible their work for the Cambodian refugees and displaced persons with that of UNHCR.

10. The SNC, the Governments of the countries in which the Cambodian refugees and displaced persons have sought temporary refuge, and the countries which contribute to the repatriation and integration effort will wish to monitor closely and facilitate the repatriation of the returnees. An ad hoc consultative body should be established for a limited term for these purposes. The UNHCR, the ICRC, and other international agencies as appropriate, as well as UNTAC, would be invited to join as full participants.

13. The international community should contribute generously to the financial requirements of the repatriation operation.

Page 52-53; Agreement Concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia

Article 3

3. The United Nations Commission on Human Rights should continue to monitor closely the human rights situation in Cambodia, including, if

necessary, by the appointment of a Special Rapporteur who would report his findings annually to the Commission and to the General Assembly.

Article 5

4. In the event of serious violations of human rights in Cambodia, they will call upon the competent organs of the United Nations to take such other steps as are appropriate for the prevention and suppression of such violations in accordance with the relevant international instruments.

Page 55-57; IV. Declaration on the Rehabilitation and Reconstruction of Cambodia

2. The main responsibility for deciding Cambodia's reconstruction needs and plans should rest with the Cambodian people and the government formed after free and fair elections. No attempt should be made to impose a development strategy on Cambodia from any outside source or deter potential donors from contributing to the reconstruction of Cambodia.

3. International, regional and bilateral assistance to Cambodia should be coordinated as much as possible, complement and supplement local resources and be made available impartially with full regard for Cambodia's sovereignty, priorities, institutional means and absorptive capacity.

5. The implementation of an international aid effort would have to be phased in over a period that realistically acknowledges both political and technical imperatives. It would also necessitate a significant degree of cooperation between the future Cambodian Government and bilateral, regional and international contributors.

6. An important role will be played in rehabilitation and reconstruction by the United Nations system. The launching of an international reconstruction plan and an appeal for contributions should take place at an appropriate time, so as to ensure its success.

7. [...] To this end there will be scope for sending to Cambodia fact-finding missions from the United Nations system, international financial institutions and other agencies. with the consent of the future Cambodian government.

9. For this period of rehabilitation, the United Nations Secretary-General is requested to help coordinate the programme guided by a person appointed for this purpose.

12. This reconstruction phase should promote Cambodian entrepreneurship and make use of the private sector, among other sectors, to help advance self-sustaining economic growth. It would also benefit from regional approaches, involving, inter alia, institutions such as the Economic and Social Commission for Asia and the Pacific (ESCAP) and the Mekong Committee, and Governments within the region; and from participation by non-governmental organizations.

13. In order to harmonize and monitor the contributions that will be made by the international community to the reconstruction of Cambodia after the formation of a government following the elections, a consultative body, to be called the International Committee on the Reconstruction of Cambodia (ICORC), should be set up at an appropriate time and be open to potential donors and other relevant parties. The United Nations Secretary General is requested to make special arrangements for the United Nations system to support ICORC in its work, notably in ensuring a smooth transition from the rehabilitation to reconstruction phases.

CHAPULTEPEC PEACE AGREEMENT

Page 38; CHAPTER VI: POLITICAL PARTICIPATION BY FMLN

ps_pol

Political Power-sharing

The following agreements have been reached concerning political participation by FMLN, and shall be subject to the implementation timetable contained in this Agreement:

[...]

8. Legal solution to the participation of FMLN members in COPAZ, once the latter formalizes its existence.

Page 36-7, CHAPTER V: ECONOMIC AND SOCIAL QUESTIONS; 8. FORUM FOR ECONOMIC AND SOCIAL CONSULTATION

A. Purpose of the Forum

A forum shall be established in which representatives of the Government, labour and the business community shall participate on an equal footing for the purpose of working out a set of broad agreements on the economic and social development of the country for the benefit of all its inhabitants. The consultation process shall be a sustained effort and shall be conducted in phases, bearing in mind that the aim is to reach some agreements that are to be implemented immediately to achieve stabilization, others that are designed to tackle the economic and social problems that will ensue from the end of the conflict and still others that are geared specifically to reconstruction.

Among other things, the Government shall propose to the Forum for Economic and Social Consultation that existing labour legislation be revised in order to promote and maintain a climate of harmonious labour relations, without prejudice to the unemployed and the public at large. It shall also propose that the situation of disadvantaged urban and outlying urban communities be analysed with a view to proposing solutions to problems resulting from the armed conflict of recent years. In general terms, the Forum shall be the mechanism for agreeing on measures to alleviate the social cost of the structural adjustment programme.

ps_eco

Economic Power-sharing

B. Establishment of the Forum

COPAZ shall convene the Forum for Economic and Social Consultation for the first time no later than one month after the signing of this Agreement.

C. Composition of and representation in the Forum

The composition of the Forum and the representation in it of the various sectors and the Government shall be as follows:

a. The Government of El Salvador shall be represented at a high level, its representatives being empowered to take decisions on economic and social matters;

b. The most representative labour and business organizations shall be invited to represent those sectors.

In addition, the Forum may invite other social and political sectors to participate in its work as observers, on terms to be determined by it.

D. Powers of the Forum

The Forum shall determine its own operational structure and the issues for discussion and consultations. The sectors represented in the Forum shall have equal rights and shall enjoy equal opportunities for expressing their views.

In order to guarantee the effectiveness of the agreements reached by the Forum by consensus, the Government undertakes to issue, amend or repeal decrees or provisions within its sphere of competence and to submit relevant proposals to the other organs of State.

E. Secretariat of the Forum

The Forum shall appoint a secretariat to provide it with technical support and ensure the continuity of its work.

<p>ps_mil</p>	<p>Military Power-sharing</p>
<p>tj_amn</p>	<p>Amnesty</p>
<p>tj_pri</p>	<p>Page 38-39; Chapter VI: Political Participation by FMLN</p> <p>The following agreements have been reached concerning political participation by FMLN, and shall be subject to the implementation timetable contained in this Agreement:</p> <p>2. Freedom for all political prisoners.</p> <p>Page 73; Chapter IX: Implementation Timetable; 7. Political Participation By FMLN</p> <p>7.3 Release of political prisoners: D+30.</p> <p>Page 3; ANNEX - Agreement on Human Rights, (26 July 1990); I. Respect for and Guarantee of Human Rights</p> <p>3. In the course of the present negotiations, appropriate legal procedures and timetables shall be determined for the release of individuals who have been imprisoned for political reasons.</p>
<p>tj_hum</p>	<p>Page 1; [Untitled Preamble]</p> <p>[...] Reaffirming that their purpose, as set forth in the Geneva Agreement of 4 April 1990, is "to end the armed conflict by political means as speedily as possible, promote the democratization of the country, guarantee unrestricted respect for human rights and reunify Salvadorian society",</p> <p>Page 2-3; Chapter I: Armed Forces; 1. Doctrinal Principles of the Armed Forces</p> <p>B. [...] Their institutional regime and operations shall also be consistent with the principles deriving from the rule of law, the primacy of the dignity of the human person and respect for human rights, [...]</p> <p>Page 5; Chapter I: Armed Forces; 3. Purification</p> <p>A. The evaluation shall take into account the past performance of each officer, including, in particular:</p> <p>(1) his record of observance of the legal order, with particular emphasis on respect for human rights, both in his personal conduct and in the rigour with which he has ordered the redress and punishment of unlawful acts, excesses or human rights violations committed under his command, especially if there have been serious or systematic omissions in the latter respect;</p> <p>(3) his capacity to function in the new situation of peace, within the context of a democratic society, and to promote the democratization of the country, guarantee unrestricted respect for human rights and reunify Salvadorian society, which is the common purpose agreed upon by the Parties in the Geneva Agreement.</p>

Page 9; Chapter I: Armed Forces; 7. Intelligence Services

A. [...] During the transitional period, the Director of the State Intelligence Agency shall be a civilian appointed by the President of the Republic on the basis of his ability to attract broad acceptance. He may be dismissed by resolution of the Legislative Assembly on grounds of serious human rights violations.

B. The legal regime, staff training, organizational lines, operational guidelines and, in general, the doctrine of the State Intelligence Agency shall accord with democratic principles; [...] and strict respect for human rights.

C. The activities of the State Intelligence Agency shall be restricted [...] in particular, on the basis of strict respect for human rights.

Page 13-14; Chapter II: National Civil Police; 2. Doctrine

A. The legal regime, staff training, organizational lines, operational guidelines and, in general, the institutional definition and operation of the National Civil Police shall accord with democratic principles; [...] respect for human rights; [...]

D. In the performance of their tasks, members of the National Civil Police shall respect and protect human dignity and shall preserve and defend the human rights of all persons.

G. No member of the National Civil Police may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor invoke the orders of a superior or special circumstances, such as a state of war or threat of war, threats to national security, internal political instability or any other public emergency to justify torture or other cruel, inhuman or degrading treatment or punishment.

Page 16; Chapter II: National Civil Police; 3. Functional and Territorial Structure; B. Organs reporting to the Director-General; b. The General Inspectorate

The Inspector General shall be appointed by the Director-General, in consultation with the Attorney-General of the Republic and the National Counsel for the Defence of Human Rights.

Page 21; 4. Personnel of The National Civil Police; A. Profile

e. Special emphasis shall be placed on the training of police personnel, so that they are given the best possible preparation and are trained to perform their duties in strict conformity with the doctrine of the police force, with special emphasis on unrestricted respect for human rights.

Page 30; Chapter III: Judicial System; 2. Office of the National Counsel for the Defence of Human Rights

A. The National Counsel for the Defence of Human Rights shall be appointed within 90 days following the entry into force of the constitutional reform resulting from the Mexico Agreements.

B. COPAZ shall be entrusted with preparing the preliminary bill organizing the Office of the National Counsel for the Defence of Human Rights.

C. The preliminary bill shall establish appropriate means for putting into effect the firm commitment assumed by the Parties in the course of the negotiations to identify and eradicate any groups which engage in a systematic practice of human rights violations, in particular, arbitrary arrests, abductions and summary executions, as well as other attempts on the liberty, integrity and security of persons. This includes the commitment to identify and, where appropriate, abolish and dismantle any clandestine jail or place of detention.

In any event, the Parties agree to give top priority to the investigation of such cases, under ONUSAL verification.

Page 80; Annex II: Preliminary Bill Organizing The National Civil Police; Title I: General Provisions; Article 3

The Director-General of Police shall be appointed by the President of the Republic. He may be dismissed by resolution of the Legislative Assembly for serious violations of human rights, as provided in the Constitution.

Page 84; Annex II: Preliminary Bill Organizing The National Civil Police; Title II: Functions of The Police; Article 18

2. In the performance of their tasks, members of the National Civil Police shall respect and protect human dignity and shall preserve and defend the human rights of all persons.

4. No member of the National Civil Police may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor invoke the orders of a superior or special circumstances, such as a state of war or threat of war, threats to national security, internal political instability or any other public emergency to justify torture or other cruel, inhuman or degrading treatment or punishment.

Page 2; ANNEX - Agreement on Human Rights, (26 July 1990); I. Respect for and Guarantee of Human Rights

Bearing in mind that the legal system of El Salvador provides for the recognition of human rights and the duty of the State to respect and guarantee such rights;

[...]

Bearing in mind that the Frente Farabundo Martí para la Liberación Nacional has the capacity and the will and assumes the commitment to respect the inherent attributes of the human person;

Reiterating the common purpose, expressed in the Geneva Agreement, to guarantee unrestricted respect for human rights in El Salvador;

[...]

On the understanding that for the purposes of the present political agreement, "human rights" shall mean those rights recognized by the Salvadorian legal system, including treaties to which El Salvador is a party, and by the declarations and principles on human rights and humanitarian law adopted by the United Nations and the Organization of American States;

Page 2-3; ANNEX - Agreement on Human Rights, (26 July 1990); I. Respect for and Guarantee of Human Rights

1. All necessary steps and measures shall be taken immediately to avoid any act or practice which constitutes an attempt upon the life, integrity, security or freedom of the individual. Similarly, all necessary steps and measures shall be taken to eliminate any practice involving enforced disappearances and abductions. Priority shall be given to the investigation of any cases of this kind which may arise and to the identification and punishment of the persons found guilty.

2. The full guarantee of the freedom and the integrity of the person requires that certain immediate measures be taken in order to ensure the following:

[...]

(f) No one shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

Page 4; ANNEX - Agreement on Human Rights, (26 July 1990); II. International Verification

11. The Mission shall devote special attention to the observance of the rights to life, to the integrity and security of the person, to due process of law, to

personal liberty, to freedom of expression and to freedom of association. In this context, a special effort shall be made to clarify any situation which appears to reveal the systematic practice of human rights violations and, in such cases, to recommend appropriate measures for the elimination of the practice to the Party concerned. The foregoing shall be without prejudice to any powers granted to the Mission to consider individual cases.

[...]

14. The Mission's mandate shall include the following powers:

[...]

Page 3; ANNEX - Mexico Agreements, (27 April 1991); II. Judicial System and Human Rights

1. Agreements on constitutional reforms designed to improve significant aspects of the judicial system and establish mechanisms for safeguarding human rights, such as:

(c) Creation of the post of a National Counsel for the Defence of Human Rights, whose primary function shall be to promote and ensure respect for human rights.

Page 11; ANNEX - Mexico Agreements, (27 April 1991); The Legislative Assembly of the Republic of El Salvador; Article 16

A new article is hereby added after article 194, to read as follows:

"Article 194. The National Counsel for the Defence of Human Rights shall be responsible for promoting human rights and making sure that they are respected. He may have permanent departmental and local representatives.

"The functions of the National Counsel shall be:

1. To make sure that human rights are respected and guaranteed.
2. To investigate, either proprio motu or on the basis of a complaint he has received, cases of human rights violations.
3. To assist alleged victims of human rights violations.
4. To promote judicial or administrative remedies for the protection of human rights.
5. To monitor the situation of persons deprived of their liberty. He shall be notified of all arrests and shall make sure that the legal limits on administrative detention are respected.
6. To carry out inspections, where he deems necessary, in order to ensure respect for human rights.
7. To supervise the conduct of the administration towards citizens.
8. To propose to the organs of State reforms for promoting human rights.
9. To give opinions on proposed legislation that would affect the exercise of human rights.
10. To promote and propose such measures as he deems necessary to prevent human rights violations.
11. To formulate conclusions and recommendations, either publicly or in private.
12. To prepare and issue reports.
13. To develop a permanent programme of activities to promote a knowledge of, and respect for, human rights.
14. Such other functions as may be assigned to him by the Constitution or the law."

Page 5; ANNEX - New York Agreement (25 September 1991); IV. Doctrine of the armed forces

[...]

Page 5; ANNEX - New York Agreement (25 September 1991); V. Training system for the armed forces

[...]

<p>tj_min</p>	<p>Indigenous & Minority Rights</p>	
<p>tj_wom</p>	<p>Women's Rights & Gender Issues</p>	<p>Page 27; Chapter II, National Civil Police; 7. Transitional Regime; D. Personnel</p> <p>b. A publicity campaign to promote the recruitment of new personnel for the National Civil Police shall be designed and implemented as soon as possible. Special consideration shall be given to the recruitment of women.</p>
		<p>Page 38-39; Chapter VI: Political Participation by FMLN</p> <p>The following agreements have been reached concerning political participation by FMLN, and shall be subject to the implementation timetable contained in this Agreement:</p> <p>1. Adoption of legislative or other measures needed to guarantee former FMLN combatants the full exercise of their civil and political rights, with a view to their reintegration, within a framework of full equality, into the civil, political, and institutional life of the country.</p> <p>5. Cessation of the armed conflict implies the commitment and the right of FMLN to full political participation, without any restrictions other than those deriving from the new institutional and legal framework established by the agreements reached during the negotiations.</p> <p>7. Guarantee that FMLN will be able to conduct its activities normally when it becomes a political party, meaning: [...]</p> <p>c. Free exercise of the right of assembly and mobilization for FMLN leaders, activists and members;</p> <p>tj_civ</p> <p>Civil & Political Rights</p> <p>Page 2-3; ANNEX - Agreement on Human Rights, (26 July 1990); I. Respect for and Guarantee of Human Rights</p> <p>4. The fullest possible support shall be given to ensuring the effectiveness of the remedies of amparó and habeas corpus. To this end, the broadest possible publicity shall be given to this Agreement among the public at large and, in particular, among authorities or officers in charge of detention centres. Anyone who hampers the operation of these remedies or provides false information to the judicial authorities shall be punished.</p> <p>5. The right of all persons to associate freely with others for ideological, religious, political, economic, labour, social, cultural, sporting or other purposes shall be fully guaranteed. Trade union freedom shall be fully respected.</p> <p>6. Freedom of expression and of the press, the right of reply and the activities of the press shall be fully guaranteed.</p> <p>Page 4; ANNEX - Agreement on Human Rights, (26 July 1990); II. International Verification</p> <p>11. The Mission shall devote special attention to the observance of the rights to life, to the integrity and security of the person, to due process of law, to personal liberty, to freedom of expression and to freedom of association. [...]</p>

<p>tj_esc</p>	<p>Economic, Social & Cultural Rights</p>	<p>Page 3-4; ANNEX - Agreement on Human Rights, (26 July 1990); I. Respect for and Guarantee of Human Rights</p> <p>7. Displaced persons and returnees shall be provided with the identity documents required by law and shall be guaranteed freedom of movement. They shall also be guaranteed the freedom to carry on their economic activities and to exercise their political and social rights within the framework of the country's institutions.</p> <p>9. The Parties recognise the necessity of guaranteeing the effective enjoyment of labour rights. This subject will be considered under the agenda item on economic and social problems.</p>
<p>tj_vic</p>	<p>Victims & Reparations</p>	<p>Page 38; Chapter V: Economic and Social Questions; 9. National Reconstruction Plan</p> <p>[...] The National Reconstruction Plan shall also include programme for the war-disabled and the relatives of victims among the civilian population.</p>
<p>tj_ref</p>	<p>Refugees & Internally Displaced Persons</p>	<p>Page 39; Chapter VI: Political Participation by FMLN</p> <p>The following agreements have been reached concerning political participation by FMLN, and shall be subject to the implementation timetable contained in this Agreement:</p> <p>3. Full guarantees and security for the return of exiles, war-wounded and other persons currently outside the country for reasons related to the armed conflict.</p> <p>Page 3; ANNEX - Agreement on Human Rights, (26 July 1990); I. Respect for and Guarantee of Human Rights</p> <p>7. Displaced persons and returnees shall be provided with the identity documents required by law and shall be guaranteed freedom of movement. They shall also be guaranteed the freedom to carry on their economic activities and to exercise their political and social rights within the framework of the country's institutions.</p>
<p>tj_tru</p>	<p>Truth & Reconciliation Commission</p>	<p>Page 5; ANNEX - Mexico Agreement (27 April 1991); IV. Commission on the Truth</p> <p>Agreement has been reached to establish a Commission on the Truth, which shall be composed of three individuals appointed by the Secretary-General of the United Nations after consultation with the Parties. The Commission shall elect its Chairman. The Commission shall be entrusted with the task of investigating serious acts of violence that have occurred since 1980 and whose impact on society urgently requires that the public should know the truth. The Commission shall take into account:</p> <p>a. The exceptional importance that may be attached to the acts to be investigated, their characteristics and impact, and the social unrest to which they gave rise; and</p> <p>b. The need to create confidence in the positive changes which the peace process is promoting and to assist the transition to national reconciliation.</p> <p>The characteristics, functions and powers of the Commission on the Truth and other related issues are set forth in the corresponding annex.</p> <p>Page 16-18; ANNEX - Mexico Agreement (27 April 1991); Political Agreements Elaborating on the Constitutional Reform; Commission on the Truth</p> <p>The Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (hereinafter referred to as "the Parties"),</p>

Reaffirming their intention to contribute to the reconciliation of Salvadorian society;

Recognizing the need to clear up without delay those exceptionally important acts of violence whose characteristics and impact, and the social unrest to which they gave rise, urgently require that the complete truth be made known and that the resolve and means to establish the truth be strengthened;

Considering that, although the need to put an end to impunity was raised in the discussion on the item on the armed forces of the Agenda for the negotiations adopted at Caracas on 21 May 1990, the means of investigation which the Parties themselves have been prepared to set up are addressing situations whose complexity warrants independent treatment;

Agreeing on the advisability of fulfilling that task through a procedure which is both reliable and expeditious and may yield results in the short term, without prejudice to the obligations incumbent on the Salvadorian courts to solve such cases and impose the appropriate penalties on the culprits;

Have arrived at the following political agreement:

1. There is hereby established a Commission on the Truth (hereinafter referred to as "the Commission"). The Commission shall be composed of three individuals appointed by the Secretary-General of the United Nations after consultation with the Parties. The Commission shall elect its Chairman.

Functions:

2. The Commission shall have the task of investigating serious acts of violence that have occurred since 1980 and whose impact on society urgently demands that the public should know the truth. The Commission shall take into account:

(a) The exceptional importance that may be attached to the acts to be investigated, their characteristics and impact, and the social unrest to which they gave rise; and

(b) The need to create confidence in the positive changes which the peace process is promoting and to assist the transition to national reconciliation.

3. The mandate of the Commission shall include recommending the legal, political or administrative measures which can be inferred from the results of the investigation. Such recommendations may include measures to prevent the repetition of such acts, and initiatives to promote national reconciliation.

4. The Commission shall endeavour to adopt its decisions unanimously. However, if this is not possible, a vote by the majority of its members shall suffice.

5. The Commission shall not function in the manner of a judicial body.

6. If the Commission believes that any case brought to its attention does not meet the criteria set forth in paragraph 2 of this agreement, it may refer the case to the Attorney-General of the Republic, should it deem appropriate, for handling through the judicial channel.

Powers:

7. The Commission shall have broad powers to organize its work and its functioning. Its activities shall be conducted on a confidential basis.

8. For the purposes of the investigation, the Commission shall have the power to:

(a) Gather, by the means it deems appropriate, any information it considers relevant. The Commission shall be completely free to use whatever sources of information it deems useful and reliable. It shall receive such information within the period of time and in the manner which it determines.

(b) Interview, freely and in private, any individuals, groups or members of organizations or institutions.

(c) Visit any establishment or place freely without giving prior notice.

(d) Carry out any other measures or inquiries which it considers useful to the performance of its mandate, including requesting reports, records or documents from the Parties or any other information from State authorities and departments.

Undertaking by the Parties:

9. The Parties undertake to extend to the Commission whatever cooperation it requests of them in order to gain access to sources of information available to them.

10. The Parties undertake to carry out the Commission's recommendations.

Report:

11. The Commission shall submit a final report, with its conclusions and recommendations, within a period of six months after its establishment.

12. The Commission shall transmit its report to the Parties and to the Secretary-General of the United Nations, who shall make it public and shall take the decisions or initiatives that he deems appropriate.

13. Once the report has been handed over, the Commission's mandate shall be considered terminated and the Commission shall be dissolved.

14. The provisions of this agreement shall not prevent the normal investigation of any situation or case, whether or not the Commission has investigated it, nor the application of the relevant legal provisions to any act that is contrary to law.

Page 5-6; Chapter I: Armed Forces; 3. Purification

The Parties agree to a process of purification of the armed forces, within the framework of the peace process and with a view to the supreme objective of national reconciliation, based on evaluation of all members of the armed forces by an ad hoc Commission.

[...]

Page 29; Chapter II: National Civil Police; 7. Transitional regime; D. Personnel

i. Without prejudice to the provisions of the preceding paragraph, zones that were traditionally conflict zones during the armed conflict shall be the object of special treatment designed to promote national reconciliation and stability during the transition. Such treatment shall involve the formation of police units comprising personnel of different origins who have graduated from the National Public Security Academy. The chiefs of the corresponding delegations shall be appointed following consultations with the advisory commission of COPAZ.

tj_rec

Reconciliation

Page 40; Chapter VII: Cessation of the Armed Conflict

This chapter also includes agreements on the restoration of public administration in conflict zones and the use of the mass media to promote reconciliation (see annexes E and F).

[...]

Page 64; Annex E: Restoration of Public Administration In Conflict Zones

C. The administration of justice shall be re-established in a manner appropriate to the purposes of this Agreement and, in particular, to the process of peace and reconciliation. Accordingly:

[...]

Page 65; Annex F: Use of The Mass Media To Promote Reconciliation

For the purpose of assisting the process of detente and reconciliation:

B. As from D-day, both Parties undertake to:

(a) Promote, through the various mass media at their disposal, a national publicity campaign in favour of the reunification and reconciliation of Salvadorian society.

(b) Refrain from any propaganda or information policy that is inconsistent with this Agreement or with the process of detente and reconciliation.

c. COPAZ shall monitor the above undertakings and shall transmit to the Parties any recommendations it deems relevant. It may also make suggestions for the participation of the various sectors of civilian society and, in particular, the mass media in the national reconciliation campaign.

Page 2; ANNEX - Mexico Agreements, (27 April 1991); [Untitled Preamble]

Reaffirming their intention to make speedy progress towards the restoration of peace, national reconciliation and the reunification of Salvadorian society, in accordance with the common will of the Salvadorian people as expressed by both Parties in the Geneva Agreement of 4 April 1990;

Page 5; ANNEX - Mexico Agreements, (27 April 1991); IV. Commission On The Truth

[...] The Commission shall take into account:

(b) The need to create confidence in the positive changes which the peace process is promoting and to assist the transition to national reconciliation.

Page 7; ANNEX - Mexico Agreements, (27 April 1991); The Legislative Assembly of the Republic of El Salvador

I. Whereas it is the firm intention and duty of this Assembly to contribute to the restoration of peace, to national reconciliation and to the reunification of Salvadorian society, in accordance with the common will of our people,

Page 16; ANNEX - Mexico Agreements, (27 April 1991); Commission On The Truth

The Government of El Salvador and the Frente Farabundo Marti para la Liberación Nacional (hereinafter referred to as "the Parties"),

Reaffirming their intention to contribute to the reconciliation of Salvadorian society;

Page 16-17; ANNEX - Mexico Agreements, (27 April 1991); Commission On The Truth; Functions

2. [...]

(b) The need to create confidence in the positive changes which the peace process is promoting and to assist the transition to national reconciliation.

3. [...] Such recommendations may include measures to prevent the repetition of such acts, and initiatives to promote national reconciliation.

tj_pro

Protection
Measures

Page 10; Chapter I: Armed Forces; Paramilitary Bodies; D. Regulation of private security services

The Parties recognize the need to regulate the activities of all those entities, groups or persons who provide security or protection to private individuals, corporations or State institutions, in order to guarantee the transparency of

their activities and also their strict subordination to the law and to respect for human rights.

a. A special law shall regulate the activities of entities, groups or persons who provide security or protection to private individuals, corporations or State institutions. [...]

Pages 13; Chapter II: National Civil Police; 1. Establishment of the National Civil Police

A. The National Civil Police shall be the only armed police body with national jurisdiction. Its mission shall be to protect and safeguard the free exercise of the rights and freedoms of individuals, to prevent and combat all types of crimes, and to maintain internal peace, tranquillity, order and public security in both urban and rural area.

Pages 14; Chapter II: National Civil Police; 2. Doctrine

C. Members of the National Civil Police shall at all times observe the duties imposed on them by law, serving the community and protecting all persons from illegal acts, in keeping with the high degree of responsibility required by their profession.

I. Members of the National Civil Police shall ensure full protection of the health of persons in their custody and, in particular, shall take immediate steps to provide medical care when necessary.

Page 38; Chapter V: Economic and Social Questions; 9. National Reconstruction Plan

[...] The National Reconstruction Plan shall also include programme for the war-disabled and the relatives of victims among the civilian population.

Page 39; Chapter VI: Political Participation By FMLN

3. Full guarantees and security for the return of exiles, war-wounded and other persons currently outside the country for reasons related to the armed conflict.

Page 3-4; ANNEX - Agreement on Human Rights, (26 July 1990); I. Respect for and Guarantee of Human Rights

5. The right of all persons to associate freely with others for ideological, religious, political, economic, labour, social, cultural, sporting or other purposes shall be fully guaranteed. Trade union freedom shall be fully respected.

Page 2; ANNEX - Mexico Agreements, (27 April 1991); [Untitled Preamble]

Considering that the peace negotiations being conducted pursuant to the Geneva Agreement and the Caracas Agenda of 21 May 1990 call for a number of constitutional reforms embodying the political agreements emanating therefrom;

tr_con

Constitutional Reform

Bearing in mind the urgent need to submit to the Legislative Assembly whose term expires on 30 April 1991 those constitutional reforms on which the Parties have reached agreement, even where such agreements are partial and do not deal with all aspects under the item as envisaged in the Caracas Agenda;

Considering that various points on which agreement has been reached can be put into practice through secondary legislation or through further political agreements elaborating on the Constitution;

Have reached the agreements summarized below, which comprise constitutional reforms and issues referred to secondary legislation, as well as other political agreements:

Page 2; ANNEX - Mexico Agreements, (27 April 1991); I. Armed Forces

1. Agreements on constitutional reforms aimed at:
[...]

Page 3; ANNEX - Mexico Agreements, (27 April 1991); II. Judicial System and Human Rights

1. Agreements on constitutional reforms designed to improve significant aspects of the judicial system and establish mechanisms for safeguarding human rights, such as:
[...]

Page 4; ANNEX - Mexico Agreements, (27 April 1991); III. Electoral System

1. Agreements on constitutional reform aimed at:
[...]

Page 5; ANNEX - Mexico Agreements, (27 April 1991); V. Final Declaration

The Parties likewise reaffirm their commitment to take all necessary steps to execute the agreements fully. In particular, the Government of El Salvador solemnly undertakes to promote the approval by the current legislature of the constitutional reforms agreed to by the Parties in this round of negotiations. Matters relating to the ratification of these reforms shall be considered in the framework of the ongoing negotiations, under the timetable for the implementation of future agreements.

Page 6; ANNEX - Mexico Agreements, (27 April 1991); VI. Unilateral Declaration By FMLN

FMLN stated for the record that the wording of article 211, where the armed forces are described as a "permanent" institution, is incompatible with its position on the matter. It made it clear that it considers there to be certain constitutional reforms still awaiting negotiation, including demilitarization, article 105 on the limit of rural land ownership and the need to open up the mechanism for reform of the Constitution, either by amending article 248 or by other procedures such as popular referendum. FMLN maintains its position on all these points.

Page 7-13; ANNEX - Mexico Agreements, (27 April 1991); The Legislative Assembly of the Republic of El Salvador

II. Whereas the peace negotiations being conducted pursuant to the Geneva Agreement of 4 April 1990 and the Caracas Agenda of 21 May 1990 call for a number of constitutional reforms in support of the political agreements emanating therefrom,

In exercise of the powers conferred upon it by article 248 of the current Political Constitution,

Hereby adopts the following constitutional reform:
[...]

Article 6. Paragraphs (11) and (12) of article 168 are hereby amended, and three new paragraphs numbered (17), (18) and (19) are hereby added, to read as follows:
[...]

	<p>Article 7. A new paragraph is hereby added to article 172, to read as follows: [...]</p> <p>Article 8. Article 174, second paragraph, is hereby amended to read as follows: [...]</p> <p>Article 9. Article 180 is hereby amended to read as follows: [...]</p> <p>Article 10. Paragraph 9 of article 182 is hereby amended to read as follows: [...]</p> <p>Article 11. Article 186 is hereby amended to read as follows: [...]</p> <p>Article 12. Article 188 is hereby amended to read as follows: [...]</p> <p>Article 13. Article 191 is hereby amended to read as follows: [...]</p> <p>Article 14. Article 192 is hereby amended to read as follows: [...]</p> <p>Article 15. In Article 193, a new paragraph (3) is hereby added; paragraphs (Z) and (3) are hereby amended, the latter becoming paragraph (4); and paragraph (9) is hereby repealed. The new paragraphs read as follows: [...]</p> <p>Article 18. Article 208 is hereby amended to read as follows: [...]</p> <p>Article 20. Article 211 is hereby amended to read as follows: [...]</p> <p>Article 21. Article 212 is hereby amended to read as follows: [...]</p> <p>Article 24. Article 217 is hereby amended to read as follows: [...]</p>
<p>tr_leg Legislative Branch Reform</p>	
<p>tr_exe Executive Branch Reform</p>	
<p>tr_jud Judiciary Reform</p>	<p>Page 29-30; Chapter III: Judicial System</p> <p>1. National Council of the Judiciary</p> <p>A. The Parties reaffirm that, as already agreed in the Mexico Agreements, the composition of the National Council of the Judiciary shall be such as to guarantee its independence from the organs of the State and from political parties and its membership shall, as far as possible, include not only judges but also sectors of society not directly connected with the administration of justice. In accordance with the New York Agreement, they refer the matter to COPAZ to prepare the corresponding preliminary legislative draft.</p> <p>B. Judicial Training School</p>

a. Pursuant to the Mexico Agreements, the preliminary draft referred to in the preceding paragraph shall include provisions regulating the Judicial Training School, which shall function under the responsibility of the National Council of the Judiciary and whose purpose shall be to ensure a steady improvement in the professional training of judges and other judicial officials and of members of the Office of the Attorney-General of the Republic; to investigate the country's judicial problems and promote solutions thereto; and to foster greater bonds of solidarity among members of the judiciary and a coherent overall vision of the function of the judiciary in a democratic State.

b. The rules for the administration and organization of the Judicial Training School shall be such as to ensure its academic independence and its openness to the various schools of legal thought.

2. Office of the National Counsel for the Defence of Human Rights

A. The National Counsel for the Defence of Human Rights shall be appointed within 90 days following the entry into force of the constitutional reform resulting from the Mexico Agreements.

B. COPAZ shall be entrusted with preparing the preliminary bill organizing the Office of the National Counsel for the Defence of Human Rights.

C. The preliminary bill shall establish appropriate means for putting into effect the firm commitment assumed by the Parties in the course of the negotiations to identify and eradicate any groups which engage in a systematic practice of human rights violations, in particular, arbitrary arrests, abductions and summary executions, as well as other attempts on the liberty, integrity and security of persons. This includes the commitment to identify and, where appropriate, abolish and dismantle any clandestine jail or place of detention. In any event, the Parties agree to give top priority to the investigation of such cases, under ONUSAL verification.

Page 64; Annex E: Restoration of Public Administration In Conflict Zones

C. The administration of justice shall be re-established in a manner appropriate to the purposes of this Agreement and, in particular, to the process of peace and reconciliation. Accordingly:

(a) The administration of justice shall be re-established as soon as possible, in close consultation with ONUSAL, in order to strengthen the process of detente and reconciliation.

(b) the Government shall take appropriate steps to ensure that the re-establishment of the administration of justice does not impair the effectiveness of the legislative or other measures adopted within the framework of this Agreement and of the peace and reconciliation process to guarantee members of FMLN the full exercise of their civil and political rights.

Page 3-4; ANNEX - Mexico Agreements, (27 April 1991); II. Judicial system and human rights

1. Agreements on constitutional reforms designed to improve significant aspects of the judicial system and establish mechanisms for safeguarding human rights, such as:

a. Reorganization of the Supreme Court of Justice and a new procedure for the election of Supreme Court judges. Henceforth, a two-thirds majority of deputies elected to the Legislative Assembly shall be required to elect judges to the Supreme Court of Justice.

b. An annual allocation from the State budget to the judiciary amounting to no less than 6 per cent of current income.

c. Creation of the post of a National Counsel for the Defence of Human Rights, whose primary function shall be to promote and ensure respect for human rights.

d. Election of the Attorney-General of the Republic, the Chief State Counsel and the National Council for the Defence of Human Rights by a two-thirds majority of deputies elected to the Legislative Assembly.

2. Other issues raised in the negotiations were referred to secondary legislation and to other political agreements. Although the set of political agreements on the judicial system envisaged by the Parties in the Caracas Agenda has still to be negotiated, the following agreements have been reached during the current round:

a. National Council of the Judiciary

Agreement has been reached to restructure the National Council of the Judiciary so that its composition guarantees its independence from the organs of State and from political parties and its membership includes not only judges but also sectors of society not directly connected with the administration of justice.

b. Judicial Training School

The National Council of the Judiciary shall be responsible for organizing and operating the Judicial Training School, whose purpose shall be to ensure a steady improvement in the professional training of judges and other judicial officials.

c. Career judicial service

The secondary legislation shall contain provisions to ensure that admission to the career judicial service is based on mechanisms guaranteeing objective selection, equal opportunities for all candidates and the selection of the best-qualified candidates. Such mechanisms shall include competitive examinations and attendance at the Judicial Training School.

Page 8-13; ANNEX - Mexico Agreements, (27 April 1991); The Legislative Assembly of the Republic of El Salvador

[...]

Hereby adopts the following constitutional reform:

[...]

Article 7. A new paragraph is hereby added to article 172, to read as follows: "The judiciary shall receive an annual allocation from the State budget of no less than 6 per cent of current income."

Article 8. Article 174, second paragraph, is hereby amended to read as follows:

"The Constitutional Division shall comprise five judges appointed for that purpose by the Legislative Assembly. The President of the Constitutional Division shall be appointed by the Legislative Assembly whenever the latter elects judges to the Supreme Court of Justice. The same appointee shall serve as President of the Supreme Court of Justice and of the judiciary."

Article 9. Article 180 is hereby amended to read as follows:

"Article 180. Any person wishing to be a justice of the peace shall, as a minimum, be a Salvadorian citizen, a lawyer, a layman, over 21 years old, and known to be competent and of good character; he must have rights of citizenship and have had them for the three years preceding his appointment. Justices of the peace shall be considered members of the career judicial service.

"In cases where the National Council of the Judiciary so decides, the duties of justice of the peace may be carried out by a person who is not a lawyer or does not belong to the career judicial service. In such cases, the term of office shall be one year."

Article 10. Paragraph 9 of article 182 is hereby amended to read as follows:

"9. To appoint magistrates and judges of courts of first and second instance and justices of the peace from lists of three candidates submitted by the National Council of the Judiciary; forensic physicians and employees of offices of the Court; and dismiss them, accept their resignation and grant them leave."

Article 11. Article 186 is hereby amended to read as follows:

"Article 186. A career judicial service is hereby established."

"Judges of the Supreme Court of Justice shall be elected by the Legislative Assembly for a term of nine years, with one third of the judges coming up for renewal every three years. Their tenure shall be deemed to be renewed by right unless, at the end of a judge's term of office, the Legislative Assembly decides otherwise or a judge is dismissed for cause, the causes for dismissal having been previously established by law. The affirmative vote of at least two thirds of the elected deputies shall be required for a decision to be taken in each of the above cases.

"Judges of the Supreme Court of Justice shall be elected from a list of candidates drawn up by the National Council of the Judiciary in the manner prescribed by law, half of the names being proposed by the associations representing lawyers in El Salvador; the list shall comprise candidates representative of the main schools of legal thought.

"Magistrates and judges of courts of first and second instance and justices of the peace who are members of the career judicial service shall enjoy security of tenure.

"The law shall afford judges protection so that they can carry out their duties in complete freedom, impartially and free of any influence on the cases that come before them; it shall also afford them the means guaranteeing them fair remuneration and a standard of living commensurate with the level of their responsibilities.

"The law shall regulate the requirements and procedures for admission to the career judicial service, promotions, transfers, disciplinary measures against members of the service, and other matters relating to the service."

Article 12. Article 188 is hereby amended to read as follows:

"Article 188. No person serving as a magistrate or judge may practise as a lawyer or notary or serve as an employee of the other organs of State, except as a teacher or a diplomat on temporary assignment."

Article 15. In Article 193, a new paragraph (3) is hereby added; paragraphs (Z) and (3) are hereby amended, the latter becoming paragraph (4); and paragraph (9) is hereby repealed. The new paragraphs read as follows:

"2. To institute judicial proceedings, proprio motu or at the request of a party, in defence of the legal order.

"3. To direct the investigation of the offence, particularly of any criminal acts that are liable to criminal prosecution. To that end, under the direction of the Office of the Attorney-General of the Republic, there shall be established a Criminal Investigation Agency whose mandate shall be prescribed by law. This shall not limit the independence of the judge in investigating matters submitted to him. The Criminal Investigation Agency shall take without delay any action that a judge may request of it for the purposes stated.

"4. To institute criminal proceedings proprio motu or at the request of a party."

Article 23. Article 216 is hereby amended to read as follows:

"Article 216. Military jurisdiction is hereby established. For the trial of purely military offences and misdemeanours, there shall be special procedures and courts as provided by law. Military jurisdiction, as an exception to the unity of the system of justice, shall be limited to the trial of purely military offences and misdemeanours, understood to be those affecting only a strictly military legal interest.

"Members of the armed forces on active duty shall be subject to military jurisdiction in respect of purely military offences and misdemeanours."

Page 14-15; ANNEX - Mexico Agreements, (27 April 1991); Political agreements elaborating on the constitutional reform

With a view to elaborating on some of the aspects which the agreed constitutional reform refers to secondary legislation, the Parties have agreed to the following:

A. Judicial System

a. Supreme Court of Justice

For the purposes of the appointment of judges to the Supreme Court of Justice as envisaged in the constitutional reform, the National Council of the Judiciary

shall keep a list of 60 candidates representative of the main schools of legal thought, which shall be renewed after each election of judges. Thirty of the candidates shall be nominated by the lawyers associations of the different regions of the country.

b. National Council of the Judiciary

Agreement has been reached to restructure the National Council of the Judiciary as follows:

1. The composition of the National Council of the Judiciary shall be such as to guarantee its independence from the organs of State and from political parties, and to ensure as far as possible that its membership includes not only judges but also representatives of sectors of society not directly connected with the administration of justice. The act regulating the National Council of the Judiciary shall be amended to bring it into line with the provisions of this Agreement within 90 days following ratification of the constitutional reform by the Legislative Assembly whose term begins on 1 May 1991. A new National Council of the Judiciary shall be elected within 90 days following approval of that legislative reform.

2. The National Council of the Judiciary shall be responsible for organizing and operating the Judicial Training School, whose purpose shall be to ensure a steady improvement in the professional training of judges and other judicial officials and of members of the Office of the Attorney-General of the Republic; to investigate the country's judicial problems and promote solutions thereto; and to foster greater bonds of solidarity among members of the judiciary and a coherent overall vision of the function of the judiciary in a democratic State.

c. Career judicial service

The secondary legislation on the career judicial service shall satisfy the following requirements:

1. The secondary legislation shall contain provisions to ensure that admission to the career judicial service is based on mechanisms guaranteeing objective selection, equal opportunities for all candidates and the selection of the best-qualified candidates. Such mechanisms shall include competitive examinations and attendance at the Judicial Training School.

2. Candidates shall be admitted to the career judicial service only if they fulfil the admission requirements established by law.

Page 14; Chapter II: The National Civil Police; 2. Doctrine

J. Members of the National Civil Police shall not commit any act of corruption. They shall also strongly oppose such acts and shall combat them.

Page 64; Chapter VII; Annex E: Restoration of Public Administration in Conflict Zones

With the entry into force of the cease-fire, public administration shall gradually be restored in conflict zones, in accordance with the following principles:

A. The full range of public services (such as water, electricity, telecommunications and roads) and other services provided by the State in such areas as agriculture, education and health shall be restored as soon as possible.

B. Mayors who, because of the armed conflict, have performed their functions on an itinerant basis shall take up residence in their respective municipalities as soon as possible, in close consultation with ONUSAL, in order to strengthen the process of détente and reconciliation.

C. The administration of justice shall be re-established in a manner appropriate to the purposes of this Agreement and, in particular, to the process of peace and reconciliation. Accordingly:

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Public
Administration
Reform

(a) The administration of justice shall be re-established as soon as possible, in close consultation with ONUSAL, in order to strengthen the process of détente and reconciliation.

(b) The Government shall take appropriate steps to ensure that the re-establishment of the administration of justice does not impair the effectiveness of the legislative or other measures adopted within the framework of this Agreement and of the peace and reconciliation process to guarantee members of FMLN the full exercise of their civil and political rights.

D. The restoration of public administration shall not be detrimental to either the existence or the functioning of the non-governmental organizations of a cultural, economic or social nature that have been established in conflict zones. As part of the process of peace and reconciliation, appropriate channels between these organizations and the respective authorities shall be maintained, with the support of ONUSAL.

Page 79; Annex II: Preliminary Bill Organizing The National Civil Police

The Legislative Assembly of the Republic of El Salvador
Whereas

In accordance with paragraph 17 of article 168 of the Constitution, it is the responsibility of the President of the Republic: "to command, organize and maintain the National Civil Police to preserve peace, tranquillity, order and public security, in both urban and rural areas, adhering strictly to respect for human rights and under the control of civilian authorities. The National Civil Police and the armed forces shall be independent and shall be placed under the authority of different ministries",
The establishment of the National Civil Police must be accompanied by an act organizing and regulating it institutionally,
HEREBY DECREES
[...]

Page 84; Annex II: Preliminary Bill Organizing The National Civil Police; Title II: Functions of The Police; Article 18

The exercise of police functions shall be subject to the following code of conduct:

[...]

6. Members of the National Civil Police shall not commit any act of corruption. They shall also strongly oppose such acts and shall combat them.

Page 2-3; Chapter I: Armed Forces; 1. Doctrinal Principles of the Armed Forces

The doctrine for the armed forces, on the basis of the constitutional reform agreed to in April 1991, as defined by law, shall conform to the principles set forth below, and henceforth their institutional regime and educational system shall be based exclusively on those principles and their operations shall be bound by strict observance of them:

A. The mission of the armed forces is to defend the sovereignty of the State and the integrity of its territory, according to the terms of the regime defined for them by the Constitution and the laws. The performance of this mission is inseparable from democratic values and strict respect for all parts of the Constitution.

B. As established in the Constitution, the armed forces are a permanent institution in the service of the nation. They shall be obedient, professional, apolitical and non-deliberative. Their institutional regime and operations shall also be consistent with the principles deriving from the rule of law, the primacy of the dignity of the human person and respect for human rights; respect for and defence of the sovereignty of the Salvadorian people; the concept of the armed forces as an institution free from all considerations of politics, ideology or social position or any other discrimination; and the subordination of the armed forces to the constitutional authorities.

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Military Reform

C. The armed forces owe respect to the political order determined by the sovereign will of the people and all political or social changes generated by that will, in accordance with democratic procedures consistent with the Constitution. Their institutional regime and operations shall be defined in terms ensuring a harmonious relationship at all times with civilian society and the normal activities of their members as part of that society.

D. As a State institution, the armed forces play an instrumental, non-decision-making role in the political field. Consequently, only the President of the Republic and the basic organs of government may use the armed forces to implement the provisions they have adopted, within their respective constitutional areas of competence, to enforce the Constitution. Similarly, those authorities have exclusive competence to verify whether the political or social changes referred to in the preceding paragraph are consistent with the Constitution.

E. The doctrine of the armed forces is based on a distinction between the concepts of security and defence. National defence, the responsibility of the armed forces, is intended to safeguard sovereignty and territorial integrity against outside military threat. Security, even when it includes this notion, is a broader concept based on unrestricted respect for the individual and social rights of the person. It includes, in addition to national defence, economic, political and social aspects which go beyond the constitutional sphere of competence of the armed forces and are the responsibility of other sectors of society and of the State.

F. The maintenance of internal peace, tranquillity, order and public security lies outside the normal functions of the armed forces as an institution responsible for national defence. The armed forces play a role in this sphere only in very exceptional circumstances, where the normal means have been exhausted, on the terms established in the constitutional reform approved in April 1991.

Page 4-5; Chapter I: Armed Forces; 2. Educational System of the Armed Forces

Reiterating fully their previous agreements, whereby the professional training of members of the armed forces shall emphasize the pre-eminence of human dignity and democratic values, respect for human rights and the subordination of such forces to the constitutional authorities, the Parties have reached the following agreements:

A. The legal framework of the armed forces educational and training system shall be defined on the basis of the provisions of articles 212 and 213 of the constitutional reform agreed to in April 1991.

B. The doctrinal framework of the armed forces educational system shall be defined by the doctrinal principles set forth in this chapter. Those principles shall be the doctrinal foundation of all armed forces educational and training programmes at all levels.

C. Curricula and study programmes for the training and education of the armed forces shall include, in addition to military and technical subjects, scientific and humanistic studies in order to provide an all-round education which gives students the necessary skills to participate actively in the institutional life of the country and promotes at all times an harmonious relationship with civilian society, as well as their normal activities as members of that society.

D. In order to attain fully the goals outlined in the preceding paragraph, members of the armed forces shall be encouraged to take professional and postgraduate courses at the country's universities.

E. The Military College shall be run on a collegiate basis in teaching matters. Its Director shall be the President of an Academic Council which shall include members of the military and civilians from the academic world. Members of the Academic Council shall be appointed by the President of the Republic.

F. COPAZ shall decide on the number of members of the Academic Council, which shall comprise an equal number of civilians and military personnel.

G. Civilian members of the Academic Council shall be appointed by the President of the Republic, on the basis of criteria of political pluralism, from lists of three candidates proposed by COPAZ.

H. The teaching staff shall be appointed by the Academic Council, which shall ensure that no political tendency predominates among that staff.

I. The Director of the Military College shall be appointed by the President of the Republic.

J. The admissions system shall be determined by the Academic Council, which shall ensure that it is not discriminatory.

K. COPAZ shall oversee, in particular, the implementation of paragraphs (G), (H) and (J), under the terms laid down in the New York Agreement of 25 September 1991.

Page 5-6; Chapter I: Armed Forces; 3. Purification

The Parties agree to a process of purification of the armed forces, within the framework of the peace process and with a view to the supreme objective of national reconciliation, based on evaluation of all members of the armed forces by an ad hoc Commission.

A. The evaluation shall take into account the past performance of each officer, including, in particular: (1) his record of observance of the legal order, with particular emphasis on respect for human rights, both in his personal conduct and in the rigour with which he has ordered the redress and punishment of unlawful acts, excesses or human rights violations committed under his command, especially if there have been serious or systematic omissions in the latter respect; (2) his professional competence; and (3) his capacity to function in the new situation of peace, within the context of a democratic society, and to promote the democratization of the country, guarantee unrestricted respect for human rights and reunify Salvadorian society, which is the common purpose agreed upon by the Parties in the Geneva Agreement. The existence of serious deficiencies in any one of the above-mentioned areas could be sufficient grounds for the ad hoc Commission to take the decisions required under paragraph (G) of this section.

B. The evaluation shall be carried out by a rigorously impartial ad hoc Commission composed of three Salvadorians of recognized independence of judgement and unimpeachable democratic credentials. It shall also include two officers of the armed forces with impeccable professional records, who shall have access only to the deliberations of the Commission; they shall not have access to the investigation phase to be carried out by the ad hoc Commission, nor be involved in the final phase of the investigation, but they may have access to its conclusions.

The selection of the three civilian members of the ad hoc Commission is the result of a process of consultations carried out by the Secretary-General of the United Nations, the outcome of which has already been communicated to both Parties. The President of the Republic shall issue, within five days from the signing of this Agreement, his endorsement giving legal form and force to the Commission. If necessary, the same procedure shall be used to replace any member of the Commission who is permanently unable to serve. The two officers of the armed forces who are to participate in the ad hoc Commission on the conditions indicated above shall be appointed by the President of the Republic.

C. The Commission on the Truth established by the Mexico Agreements of 26 April 1991 (hereinafter referred to as "the Commission on the Truth") may appoint an observer to the ad hoc Commission.

D. The ad hoc Commission shall be provided with such civilian support staff as it considers necessary.

E. The Ministry of Defence and Public Security, 1 as well as any public entity, shall supply the ad hoc Commission with any information it requests, including information on the service record of each officer. In any case, the ad hoc

Commission may avail itself of information from any source which it considers reliable.

F. The ad hoc Commission shall adopt and, where necessary, request the adoption of any measure which, in its view, is necessary for its own safety and to ensure the safety and physical and moral integrity of persons who, in any form or manner, cooperate with it in the fulfilment of its mission.

G. The ad hoc Commission shall adopt its conclusions, after hearing the parties concerned, on the basis of the provisions of paragraph (A) of this section. Its conclusions may include a change of duty station and, where necessary, the discharge of the staff evaluated.

H. The ad hoc Commission shall endeavour to adopt its decisions unanimously, but if this is not possible a vote by the majority of its members shall suffice.

I. The evaluation shall be extended to non-commissioned officers when, in the judgement of the ad hoc Commission, there is justification for doing so.

J. The ad hoc Commission shall conclude its evaluation within a maximum period of three months from the date of its establishment. The corresponding administrative decisions shall be taken within 30 days from the date on which the conclusions are communicated to the Government by the ad hoc Commission and shall be implemented within 60 days from that date.

K. The results of the evaluation shall not prevent the implementation of such recommendations as the Commission on the Truth may make at the appropriate time.

Page 7-8; Chapter I: Armed Forces; 4. Reduction

The new situation of peace shall include the reduction of the armed forces to a size appropriate to their doctrine and to the functions assigned to them by the Constitution within the framework of the constitutional reform resulting from the Mexico Agreements. Accordingly, pursuant to the New York Agreement, the Government has submitted to the Secretary-General of the United Nations a plan for the reduction of the armed forces, which the Secretary-General has made known to FMLN. The implementation of the plan must have the practical consequence of making reductions in the various branches of the armed forces.

A. Organization

The organization of the armed forces shall be adapted to their institutional mission in peacetime, in keeping with the functions assigned to them by the Constitution. This means:

- a. The type of units appropriate for performing the various tasks corresponding to that mission;
- b. The appropriate structure, organization and equipment for such units by branch, service, category (rank) and speciality; and
- c. Staffing requirements, by unit, mission and rank.

B. Units

- a. Reduction of units shall be based on the reorganization of the armed forces. The number and type of units shall be in keeping with the new organization;
- b. In any case, the reduction covers units established as a consequence of the conflict.

C. Personnel

The reorganization and the reduction of units involve cutting back personnel in the various categories, branches and services or specialities of the armed forces. The number of officers shall be reduced in accordance with the reduction plan and shall be commensurate with the normal needs of an army.

D. Matériel and equipment

Matériel and equipment shall be in keeping with the new organization, the doctrine and constitutional mission of the armed forces.

E. Facilities

Reduction involves the conversion, return or disposal of facilities no longer used by the armed forces.

F. Administrative and service structures

All administrative and service structures shall be adapted to the new situation of peace and to the doctrine and the new constitutional mission of the armed forces.

G. Military spending

Page 8; Chapter I: Armed Forces; 5. End to Impunity

The Parties recognize the need to clarify and put an end to any indication of impunity on the part of officers of the armed forces, particularly in cases where respect for human rights is jeopardized. To that end, the Parties refer this issue to the Commission on the Truth for consideration and resolution. All of this shall be without prejudice to the principle, which the Parties also recognize, that acts of this nature, regardless of the sector to which their perpetrators belong, must be the object of exemplary action by the law courts so that the punishment prescribed by law is meted out to those found responsible.

Page 8; Chapter I: Armed Forces; 6. Public Security Forces

A. Under the constitutional reform resulting from the Mexico Agreements, the safeguarding of peace, tranquillity, order and public security in both urban and rural areas shall be the responsibility of the National Civil Police, which shall be under the control of civilian authorities. The National Civil Police and the armed forces shall be independent and shall be placed under the authority of different ministries.

B. According to the terms of chapter II of this Agreement, the National Civil Police shall be a new force, with a new organization, new officers, new education and training mechanisms and a new doctrine.

C. The National Guard and the Treasury Police shall be abolished as public security forces and their members shall be incorporated into the army.

Page 8-9; Chapter I: Armed Forces; 7. Intelligence Services

A. The National Intelligence Department shall be abolished and State intelligence services shall be entrusted to a new entity to be called the State Intelligence Agency, which shall be subordinated to civilian authority and come under the direct authority of the President of the Republic. During the transitional period, the Director of the State Intelligence Agency shall be a civilian appointed by the President of the Republic on the basis of his ability to attract broad acceptance. He may be dismissed by resolution of the Legislative Assembly on grounds of serious human rights violations.

B. The legal regime, staff training, organizational lines, operational guidelines and, in general, the doctrine of the State Intelligence Agency shall accord with democratic principles; the concept of State intelligence as a State function for the common good, free from all considerations of politics, ideology or social position or any other discrimination; and strict respect for human rights.

C. The activities of the State Intelligence Agency shall be restricted to those required for compiling and analysing information in the general interest, by the means and within the limits authorized by the legal order and, in particular, on the basis of strict respect for human rights.

D. The activities of the State Intelligence Agency shall be supervised by the Legislative Assembly, using the oversight mechanisms established by the Constitution.

E. Alternative employment and compensation shall be offered to staff currently attached to the National Intelligence Department who are not incorporated into the new State Intelligence Agency. International support shall be sought for that purpose.

F. The incorporation into the State Intelligence Agency of staff of the National Intelligence Department who so request shall be permitted only after rigorous evaluation of their past performance, abilities and capacity to adapt to the new doctrine. Such evaluation shall be made by the Director of the Agency, under the authority of the President of the Republic, with the support of international advisory services and United Nations verification.

G. The State Intelligence Agency shall be organized by its Director, under the authority of the President of the Republic.

Page 9; Chapter I: Armed Forces; 8. Rapid Deployment Infantry Battalions

The Parties recognize that the rapid deployment infantry battalions were created at a specific moment in the conflict and that their existence must therefore be reviewed as circumstances dictate. Consequently, they also recognize that the rapid deployment infantry battalions will not be needed in the new situation of peace, with the result that in these circumstances it will be possible to disband them and to redeploy or discharge personnel currently assigned to them.

Page 10; Chapter I: Armed Forces; 9. Subordination to Civilian Authority

The President of the Republic, in exercise of the power of discretion conferred on him by the Constitution, may appoint civilians to head the Ministry of Defence. In any case, appointees must be persons fully committed to observing the peace agreements.

Page 10-11; Chapter I: Armed Forces; 10. Paramilitary Bodies

A. The Parties recognize the principle that any paramilitary force or group must be proscribed in a State governed by the rule of law.

B. Civil defence. Civil defence units shall be disbanded. This process shall be gradual and shall be subject to the implementation timetable for the peace agreements.

C. System of armed forces reserves. A new system of armed forces reserves shall replace the present system of territorial service, according to the following terms:

a. The system shall be responsible for the organization and functioning of the following aspects: (1) up-to-date registration of citizens in reserve status and citizens fit for military service; (2) updating of the military skills of reserves; (3) when necessary, calling reserves up for active duty to perform the mission entrusted to the armed forces by the Constitution.

b. The new system shall be under the authority of the Ministry of Defence.

c. Armed forces reserves may undertake missions only if assigned to active duty in the armed forces and in conformity with the Constitution, and shall not perform any function related to public security or monitoring of the population or the territory.

d. The laws, regulations and orders in force on this subject shall be made compatible with the terms of this Agreement.

D. Regulation of private security services. The Parties recognize the need to regulate the activities of all those entities, groups or persons who provide security or protection to private individuals, corporations or State institutions, in order to guarantee the transparency of their activities and also their strict subordination to the law and to respect for human rights. To that end:

a. A special law shall regulate the activities of entities, groups or persons who provide security or protection to private individuals, corporations or State institutions. That law shall establish the requirements which must be met in order to offer and provide such services; a system for the public registration of the staff, weapons and offices, if any, of such groups, entities or persons; appropriate oversight mechanisms, including their supervision by the National Civil Police; and, in general, the necessary limitations and prohibitions to ensure that such security services operate exclusively within the framework of the law.

b. The law shall also establish peremptory deadlines for fulfilling the above requirements, where relevant. Once those deadlines have expired, entities which have not fulfilled the above requirements shall be considered illegal and their members and organizers shall be subject to application of the corresponding legal penalties.

c. To that end, the Parties express their agreement with the outline of the preliminary legislative draft included as an annex to this Agreement, which they refer to COPAZ, together with the above considerations, for it to prepare the corresponding preliminary draft.

Page 11; Chapter I: Armed Forces; 11. Suspension of Forcible Recruitment

A. Any form of forcible recruitment shall be suspended when the cessation of the armed conflict comes into effect, pending the entry into force of the law referred to in the next paragraph.

B. A new law governing military service and reserve service shall be promulgated. That law shall establish as fundamental principles of military service that it shall be universal and compulsory and shall be imposed fairly and without discrimination.

C. Pursuant to the above, the law shall establish that all Salvadorians must present themselves at the proper time at the corresponding registration centres. Recruitment shall be effected exclusively by calling up individuals through the drawing of lots, and by registering volunteers. Military service may be performed over one continuous period or over several periods of time.

D. The above law shall envisage administrative penalties for failure to fulfil the obligations provided for therein and shall determine the grounds for temporary or permanent exemption from military service, equivalences between types of military service and other general provisions.

E. The law shall also regulate the armed forces reserves in accordance with paragraph (C) of section 10 of this chapter.

Page 12; Chapter I: Armed Forces; 12. Preventive and Promotional Measures

Within the context of the objectives of this Agreement, the Parties recognize the need to adopt a number of measures designed to promote enhanced respect for the rules which must govern the armed forces and to prevent infringements of those rules. These measures include the following:

A. Supervision of armed forces operations by the Legislative Assembly.

B. Effective functioning of the Armed Forces General Inspectorate. The Inspector General shall be a member of the armed forces with an impeccable professional record, appointed by the President of the Republic.

C. Creation of an armed forces court of honour to try acts which, although not necessarily punishable, are contrary to military honour. This shall be without

prejudice to the requirement that soldiers who have broken the law must be brought before the courts.

D. Amendment of the law penalizing unlawful enrichment to expressly include within its jurisdiction senior commanders of military units and those performing administrative functions at the same levels.

E. Cancellation of licences for private individuals to bear weapons that are for the exclusive use of the armed forces, and immediate recall of such weapons.

F. Dissemination of the doctrine of the armed forces so that the whole of society is familiar with it.

G. Adaptation of the legislation on the armed forces to the constitutional reform approved in April 1991, to the New York Agreement and to this Agreement.

Page 12; Chapter I: Armed Forces; 13. Redeployment and Discharge

A. Troops belonging to units that are to be abolished or disbanded shall be redeployed within the armed forces where such redeployment is compatible with the armed forces troop strength required by the objectives of this Agreement, and with the conclusions and recommendations of the ad hoc Commission provided for in section 3 of this chapter.

B. All troops discharged as a result of these agreements shall be given compensation equivalent to one year's pay at their wage level and the Government shall promote projects permitting the integration of such individuals into civilian life.

Page 2-3; ANNEX - Mexico Agreements, (27 April 1991); I. Armed Forces

1. Agreements on constitutional reforms aimed at:

(a) A clearer definition of the subordination of the armed forces to civilian authority.

(b) The creation of a National Civil Police for the maintenance of peace, tranquillity, order and public safety in both urban and rural areas, under the control of civilian authorities. It is expressly understood that the National Civil Police and the armed forces shall be independent and shall be placed under the authority of different ministries.

(c) The creation of a State Intelligence Agency independent of the armed forces and under the direct authority of the President of the Republic.

(d) Redefinition of the system of military justice with a view to ensuring that only those cases which affect a strictly military legal interest are submitted to it.

2. Other issues considered in the negotiations were referred to secondary legislation or to the set of political agreements on the armed forces. These include:

(a) Paramilitary forces.

(b) Forcible recruitment.

(c) Aspects relating to the management of the security forces and State intelligence.

(d) Aspects relating to the personnel of the armed forces and the National Civil Police.

(e) The emphasis which must be given, in the professional training of members of the defence and public security forces, to the pre-eminence of human dignity and democratic values, to respect for human rights and to the subordination of such forces to the constitutional authorities.

The foregoing is without prejudice to the other outstanding issues under the item on the armed forces, with respect to which the Parties reaffirm that they stand ready, and hope, to reach overall agreements in the next phase of the negotiating process.

Page 8; ANNEX - Mexico Agreements, (27 April 1991); The Legislative Assembly of the Republic of El Salvador; Article 6

Paragraphs (11) and (12) of article 168 are hereby amended, and three new paragraphs numbered (17), (18) and (19) are hereby added, to read as follows:

"(11) To command, organize and maintain the armed forces, confer military ranks and order postings and duties or the discharge of officers, in accordance with the law.

"(12) To use the armed forces to defend the sovereignty of the State and the integrity of its territory. In exceptional cases, where the normal means for the maintenance of domestic peace and public tranquillity and safety have been exhausted, the President of the Republic may use the armed forces for that purpose. Such action by the armed forces shall be limited to the period and extent strictly necessary to restore order and shall cease once that task has been fulfilled. The President of the Republic shall keep the Legislative Assembly informed of such action and the Assembly may, at any time, order the cessation of such exceptional measures. In any event, within two weeks of the termination of such measures, the President of the Republic shall submit to the Legislative Assembly a detailed report on the action taken by the armed forces.

"(17) To command, organize and maintain the National Civil Police to preserve peace, tranquillity, order and public safety in both urban and rural areas, adhering strictly to respect for human rights and under the control of civilian authorities. The National Civil Police and the armed forces shall be independent and shall be placed under the authority of different ministries.

"(19) To determine annually a reasonable manpower level for the armed forces and the National Civil Police."

Page 12; ANNEX - Mexico Agreements, (27 April 1991); The Legislative Assembly of the Republic of El Salvador; Article 20

Article 211 is hereby amended to read as follows:

"Article 211. The armed forces are a permanent institution in the service of the nation. They shall be obedient, professional, apolitical and non-deliberative."

Page 12; ANNEX - Mexico Agreements, (27 April 1991); The Legislative Assembly of the Republic of El Salvador; Article 21

Article 212 is hereby amended to read as follows:

"Article 212. The mission of the armed forces shall be to defend the sovereignty of the State and the integrity of its territory. In exceptional cases, the President of the Republic may use the armed forces to maintain domestic peace, in accordance with the provisions of this Constitution.

"The main organs of government referred to in article 86 may use the armed forces to enforce the provisions which they have adopted, within their respective spheres of competence under this Constitution, to ensure compliance with the Constitution.

"The armed forces shall cooperate in public works assigned to them by the executive branch and shall assist the public in cases of national disaster."

Page 13; ANNEX - Mexico Agreements, (27 April 1991); The Legislative Assembly of the Republic of El Salvador; Article 22

Article 213 is hereby amended to read as follows:

"Article 213. The armed forces shall form part of the executive branch and shall be subject to the authority of the President of the Republic in his capacity as Commander-in-Chief. The structure, legal regime, doctrine, composition and functioning of the armed forces shall be defined by law, by regulation and by special provisions adopted by the President of the Republic."

Page 13; ANNEX - Mexico Agreements, (27 April 1991); The Legislative Assembly of the Republic of El Salvador; Article 23

Article 216 is hereby amended to read as follows:

"Article 216. Military jurisdiction is hereby established. For the trial of purely military offences and misdemeanours, there shall be special procedures and courts as provided by law. Military jurisdiction, as an exception to the unity of the system of justice, shall be limited to the trial of purely military offences and misdemeanours, understood to be those affecting only a strictly military legal interest.

"Members of the armed forces on active duty shall be subject to military jurisdiction in respect of purely military offences and misdemeanours."

Page 13; ANNEX - Mexico Agreements, (27 April 1991); The Legislative Assembly of the Republic of El Salvador; Article 24

Article 217 is hereby amended to read as follows:

Article 217. The manufacture, import, export, trading, possession and bearing of weapons, ammunition, explosives and similar articles shall be permitted only with the authorization and under the direct supervision of the executive branch in the defence area.

"This matter shall be regulated by a special law."

Page 15; ANNEX - Mexico Agreements, (27 April 1991); Political Agreements Elaborating on the Constitutional Reform; C. Armed Forces

The political agreements on the armed forces are being referred for consideration under the corresponding item of the Caracas Agenda. Nevertheless, the Parties agree that those agreements shall include the following points:

1. The professional training of members of the defence and public security forces shall emphasize the pre-eminence of human dignity and democratic values, respect for human rights and the subordination of those forces to the constitutional authorities.
2. The secondary legislation on military jurisdiction shall be amended, where necessary, to ensure that under no circumstances shall any offences whose victims are civilians or include civilians be deemed to be purely military offences or misdemeanours and, likewise, that civilians shall not be subject to military jurisdiction under any circumstances, except in the case of military offences committed in connection with an international armed conflict involving El Salvador.

Page 4; ANNEX - New York Agreement (25 September 1991); II. Purification 1/

1. A process of purification of the armed forces is agreed upon, on the basis of a vetting of all personnel serving in them by an ad hoc Commission.
2. Participation by the armed forces will comprise two of their personnel, who shall have access only to the deliberations of the Commission.

Page 5; ANNEX - New York Agreement (25 September 1991); III. Reduction of the Armed Forces

1. The criteria for reduction of the armed forces shall be agreed upon between the Parties.
2. The criteria shall determine inter alia the guidelines on the basis of which:
 - a. The size to which the armed forces shall be reduced in peacetime shall be determined;
 - b. The plan for the reduction (manner, timetable, budget, etc.) shall be drawn up.

Page 5; ANNEX - New York Agreement (25 September 1991); IV. Doctrine of the Armed Forces

Agreement shall be reached on the redefinition of the doctrine of the armed forces based on the ideas that emerge from the agreements on this subject and from the constitutional reform. It is understood that the function of the armed forces is to defend the sovereignty of the State and the integrity of its territory, and that this doctrine should be based on the principle that the activities and regime of the armed forces shall be consistent with the principles deriving from the concept of the legally-constituted State governed by the rule of law, the primacy of the dignity of the human person and respect for human rights; defence of and respect for the sovereignty of the Salvadorian people; the concept of the armed forces as an institution in the service of the nation, free from all considerations of politics, ideology or social standing, and from all other forms of discrimination; and the subordination of the armed services to the constitutional authorities.

Page 5; ANNEX - New York Agreement (25 September 1991); V. Training System For The Armed Forces

Full effect will be given, in its entirety to the agreement reached in Mexico on 27 April 1991 whereby the professional training of personnel serving in the armed forces shall place emphasis on the pre-eminence of human dignity and democratic values, respect for human rights and the subordination of such forces to the constitutional authorities. The agreements reached in this respect shall comprise regulatory provisions guaranteeing the foregoing points as well as the admission and instruction systems.

Page 13; Chapter II: National Civil Police; 1. Establishment of the National Civil Police

The National Civil Police shall be established in accordance with the constitutional reform resulting from the Mexico Agreements. The National Civil Police shall be a new force with a new organization, new officers, new education and training mechanisms and a new doctrine.

A. The National Civil Police shall be the only armed police body with national jurisdiction. Its mission shall be to protect and safeguard the free exercise of the rights and freedoms of individuals, to prevent and combat all types of crimes, and to maintain internal peace, tranquility [sic], order and public security in both urban and rural areas.

B. In accordance with the provisions of the New York Agreement, the organization of the National Civil Police and the general outlines of its staff profile shall be determined, on the terms set forth in this Agreement, under close international cooperation and supervision, coordinated by the United Nations.

Page 13-15; Chapter II: National Civil Police; 2. Doctrine

A. The legal regime, staff training, organizational lines, operational guidelines and, in general, the institutional definition and operation of the National Civil Police shall accord with democratic principles; the concept of public security as a service provided by the State to its citizens, free from all considerations of politics, ideology or social position or any other discrimination; respect for

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human rights; the effort to prevent crime; and the subordination of the force to the constitutional authorities. Citizens' exercise of their political rights may not be impaired by police activities.

B. The National Civil Police shall be a professional body, independent of the armed forces and free from all partisan activity. Without prejudice to the right of its members to make, as citizens, their own political choices they shall not be able to use their status for partisan purposes.

C. Members of the National Civil Police shall at all times observe the duties imposed on them by law, serving the community and protecting all persons from illegal acts, in keeping with the high degree of responsibility required by their profession.

D. In the performance of their tasks, members of the National Civil Police shall respect and protect human dignity and shall preserve and defend the human rights of all persons.

E. Members of the National Civil Police may use force only when strictly necessary and to the extent required for the fulfillment of their tasks.

F. Questions of a confidential nature of which members of the National Civil Police have knowledge shall be kept secret, unless compliance with duty or the needs of justice strictly demand otherwise.

G. No member of the National Civil Police may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor invoke the orders of a superior or special circumstances, such as a state of war or threat of war, threats to national security, internal political instability or any other public emergency to justify torture or other cruel, inhuman or degrading treatment or punishment.

H. All orders from above shall be in keeping with the laws of the Republic. Obeying the orders of a superior is no justification for committing acts which are clearly punishable.

I. Members of the National Civil Police shall ensure full protection of the health of persons in their custody and, in particular, shall take immediate steps to provide medical care when necessary.

J. Members of the National Civil Police shall not commit any act of corruption. They shall also strongly oppose such acts and shall combat them.

K. Members of the National Civil Police who have reason to believe that a breach of these rules of conduct has occurred or is about to occur shall so inform their superiors and, if necessary, any authority or appropriate agency having powers of control or correction.

L. In the performance of their functions, members of the National Civil Police shall, as far as possible, utilize non-violent means before resorting to the use of force and firearms. They may use force and firearms only when other means prove ineffective or do not in any way guarantee the achievement of the legitimate anticipated result.

M. Members of the National Civil Police shall not use firearms against people except in self-defence or in defence of other people, or in case of imminent danger of death or serious injury or with the intention of preventing the commission of a particularly serious crime involving a serious threat to life, or for the purpose of arresting a person who represents such a threat and resists their authority, and only where less extreme means prove insufficient to achieve such objectives. In any case, lethal weapons may be used intentionally only when strictly unavoidable for the protection of a life.

N. As part of the performance of their duty to safeguard the exercise of the rights of individuals, members of the National Civil Police shall protect the exercise of the right of assembly and demonstration. When, for legal reasons, they are compelled to break up a demonstration or a meeting, they shall use the least dangerous means and only to the minimum extent necessary. Members of the National Civil Police shall refrain from using firearms in such cases, save where the meetings are violent and other means have been

exhausted, and only under the circumstances provided for in the preceding paragraph.

Page 15-20; Chapter II: National Civil Police; 3. Functional and Territorial Structure

The functional and territorial structure to be adopted by the National Civil Police is defined in the following general framework. This structure shall be reflected in the organizational chart and in the law on the organization of the National Civil Police.

A. General legal framework

a. National Civil Police authorities

(1) The National Civil Police shall be under the control of civilian authorities (art. 168, para. 17, of the Constitution). These shall be: the President of the Republic, the Minister, the Vice-Minister, the Director-General of the Police, the Deputy Directors-General, the Inspector General, the division of chiefs of each service and the chiefs of departmental delegations.

(2) the Director-General of the National Civil Police shall be appointed by the President of the Republic. He may be dismissed by the resolution of the Legislative Assembly for serious violations of human rights. The leadership of the National Civil Police shall be civilian.

(3) without prejudice to the provisions of this chapter concerning the transitional regime, the National Civil Police shall be placed under the authority of a new Ministry of the Interior and Public Security. To that end, the existing Ministry of the interior shall be restructured. A Vice-Ministry of Public Security shall be established and shall be responsible for relations with the National Civil Police. The public security structure shall be entirely new.

b. Nature of the organization

The National Civil Police shall have a centralized organization. in that it will be structured at the national level in such a way as to cover all tasks assigned to the police. Its operation, on the other band, shall be decentralized, because there shall be departmental police delegations in accordance with the administrative divisions of the country.

Owing to the nature of the functions assigned to certain units which belong organizationally to the National Civil Police, these unite may remain under the functional control of other authorities, under the terms set forth in this chapter.

B. Organs reporting to the Director-General

a. Offices of Deputy Directors-General

b. The General Inspectorate

Under the authority of the Director-General, the General Inspectorate of Police shall be responsible for monitoring and supervising the activities of the operational services of the force.

The Inspector General shall be appointed by the Director-General, in consultation with the Attorney-General of the Republic and the National Counsel for the Defence of Human Rights.

The General Inspectorate shall comprise a Monitoring Division, which shall have the function of monitoring all police services, and a Disciplinary Investigation Division, which shall have the function of investigating breaches of discipline by police officers.

c. Legal advisory services

These services shall be staffed by legal experts specialized in police matters. They shall be organized in accordance with the needs of the various functional and territorial police structures.

d. International legal advisory services

International legal advisory services shall be staffed by suitable personnel and high-level specialists. They shall be coordinated by the United Nations and are envisaged as a transitional arrangement.

C. Office of the Deputy Director-General for Operations

a. Divisions

(1) Public Security Division

The Public Security division shall be responsible for the maintenance of tranquility [sic], order and public security. It shall have the following departments: prevention, traffic, public order, control of private security, juveniles and general coordination with departmental delegations.

(2) Criminal Investigation Division

Under the functional control of the Attorney-General of the Republic, the Criminal Investigation Division shall be responsible for investigating criminal acts and gathering evidence to identify the perpetrators of such acts. It shall also carry out investigations and other activities within its field of competence as required by the Attorney-General of the Republic, judges and courts.

The Chief of the Division shall be appointed by the Director-General of the National Police, in consultation with the Attorney-General and the President of the Supreme Court of Justice.

The spheres of operation of this Division shall be organized on the basis of punishable offences having the greatest social impact. It shall also have technical support departments.

The legal regime applicable to this Division shall be harmonized with the provisions of the Constitution concerning auxiliary organs of the system of justice.

(3) Frontiers Division

This Division shall be responsible for monitoring and supervising the admission, departure, activities and expulsion of aliens and the migration of nationals and for the monitoring and supervision of public and private civilian airports, without prejudice to the constitutional duty of the armed forces to defend the integrity of the territory of the State.

(4) Finance Division

Under the functional control of the Ministry of Finance and without prejudice to the fiscal oversight or other functions performed by it, this Division shall be responsible for preventing and combating infringements of tax law. It shall be the police support organ of the Ministry of Finance. It shall have two departments: customs and taxes.

The Finance Division shall be the only police organ with competence in the areas of customs and taxes. Consequently, following its entry into operation, all provisions and structures incompatible with this principle shall cease to exist.

The Chief of the Finance Division shall be appointed by the Director-General of the National Police with the prior approval of the Minister of Finance.

(5) Arms and Explosives Division

This Division shall be responsible for preventing and combating infringements of the constitutional and legal regime on the manufacture, import, export, trading, possession and bearing of weapons, ammunition, explosives and similar articles.

(6) Division for the Protection of Eminent Persons

This Division shall be responsible for protecting and escorting senior State officials; foreign dignitaries visiting the country and other persons on the basis

of decisions of the Government or of the courts and for guarding public buildings and the offices of diplomatic missions or international organizations.

(7) Environment Division

Under the functional central of the Ministry of Agriculture and Livestock, this Division shall be responsible for preventing and combating crimes and misdemeanours against the environment.

The Chief of the Environment Division shall be appointed by the Director-General of the National Civil Police with the prior approval of the Minister of Agriculture and Livestock.

b. Territorial distribution

One police delegation per department and one metropolitan delegation for San Salvador shall be established. The headquarters of delegations shall be located in departmental capitals. Within each delegation, there may also be sub-delegations located in the main urban centres and also police posts in rural areas.

(1) Departmental delegations

The chiefs of departmental delegations shall have authority over all the units in their department. They shall be appointed by the Director-General of the National Police on the proposal of the Deputy Director-General for Operations, who shall be their direct supervisor. The organizational structure of delegations shall be adapted to the needs of each department.

(2) Sub-delegations and police posts

Sub-delegations shall be established in urban centres and shall be organized on the basis of local needs. Police posts shall operate in rural areas.

D. Office of the Deputy Director-General for Management

The Office of the Deputy Director-General for Management shall be responsible for implementing and coordinating the administrative and logistical support activities of the police. Its initial structure shall consist of the following divisions:

- Infrastructure Division
- Data-Processing Division
- Administration Division
- Logistics Division
- Planning and Budget Division

Page 20-22; Chapter II: National Civil Police; 4. Personnel of the National Civil Police

The personnel of the National Civil Police shall be organized on the basis of a hierarchized manning table with three levels: basic, executive and senior. Each level shall consist of the ranks determined by law. The staff profile and general regime shall be in keeping with the terms of this Agreement.

A. Profile

a. Personnel of the National Civil Police must have a vocation of service to the community, a capacity for human relations and emotional maturity, and the conduct and physical condition required to serve as a police officer. They must also be suited to serving in a police force which is designed, structured and operated as a civilian institution with the purpose of protecting and guaranteeing the free exercise of the rights and freedoms of individuals; preventing and combating all types of crimes; and maintaining internal peace, tranquility [sic], order and public security. They must also be able to adjust their conduct satisfactorily to the doctrine and legal regime of the National Civil Police.

Both admissions to the National Public Security Academy and final admission to the police force shall require checking the profile of candidates. Specific

evaluation criteria shall be established for this purpose, with rigorous standards set for each level of responsibility.

b. Educational level

(1) Basic level.

(a) Police officers must have completed the ninth grade of education.

(b) Police sergeants must hold a high school diploma

(2) Executive level. The successful completion of three years of university studies or their equivalent is required.

(3) Senior level. A university degree or its equivalent is required.

c. General requirements for admission to the Academy

In order to enter the National Public Security Academy, applicants are required to:

(1) Be Salvadorian by birth.

(2) Have reached the age of 18 before submitting the application.

(3) Have completed the level of studies required for the category concerned.

(4) Be physically fit.

(5) Have full exercise of their civic rights.

(6) Have no criminal record, i.e. convictions resulting from a final verdict.

(7) Pass the entrance examinations, which shall be designed to ensure that candidates fit the profile required to belong to the National Civil Police, according to each of the levels of responsibility defined in this chapter. The entrance examinations shall consist of a test of general knowledge, a physical examination, a medical examination and a psychological examination. These examinations shall be supplemented by personal interviews with the candidates.

d. The preparation of the examinations referred to in the preceding paragraph and the formation of the boards of examiners responsible for administering them shall be carried out on the basis of exclusively technical criteria.

e. Special emphasis shall be placed on the training of police personnel, so that they are given the best possible preparation and are trained to perform their duties in strict conformity with the doctrine of the police force, with special emphasis on unrestricted respect for human rights.

B. General Regime

a. Members of the National Civil Police shall be career professionals and agents of authority.

b. The duties, rights, responsibilities and disciplinary regime of the members of the National Civil Police shall be determined by law.

c. Members of the National Civil Police shall be required to serve in any part of the national territory.

d. Members of the National Civil Police shall wear the regulation uniform whenever they are on active duty. In exceptional cases, the Minister, or in his absence, the Vice-Minister or the Director-General may give authorisation for not wearing uniforms for certain tasks.

e. Members of the National Civil Police shall bear firearms when warranted by the needs of the service. They shall use only small arms, which are appropriate to police duties and cannot be considered war materiel. Special weapons shall be stored in the arsenal of the National Civil Police, to be used by personnel trained for this purpose when, in the opinion of the Minister concerned or, in

his absence, of the Vice-Minister or the Director-General, special circumstances exist which require their use.

f. Members of the National Civil Police shall respect the Constitution and the law and shall at all times adjust their conduct to the doctrine of the force, as defined in this Agreement.

g. Members of the National Civil Police shall not normally be required to live in barracks. Such a regime shall be applied only in exceptional circumstances and for the time strictly necessary.

h. The law shall define the regime of labour rights of members of the National Civil Police, bearing in mind the nature of the function they are required to perform.

i. Members of the National Civil Police shall enjoy job security. They may not be dismissed except for specific legal reasons.

j. Members of the National Civil Police shall be entitled to a level of remuneration that ensure a decent standard of living for themselves and their families and also accords with their rank and length of service.

k. Vehicles, communications systems, uniforms, facilities and, in general, any equipment used by members of the National Civil Police shall be suited to the requirement of a police force of the type defined in this Agreement.

Page 22-23; Chapter II: National Civil Police; 5. National Public Security Academy

A. The National Public Security Academy shall be responsible for:

a. Basic training, training of middle-ranking and senior officers and specialized training of the National Civil Police.

b. Selecting personnel for the National Civil Police.

c. Investigating, studying and publicizing matters relating to the National Civil Police and public security.

d. Making an annual evaluation of all National Civil Police personnel.

B. National Public Security Academy shall be an autonomous body placed directly under the authority of the Minister concerned.

C. National Public Security Academy shall be run by a Director-General and an Academic Council. The Academic Council shall perform standard-setting and controlling functions in its sphere of competence. The Director-General shall be President of the Academic Council and shall exercise the executive and administrative powers of the Academy.

D. The Director-General shall be appointed by the President of the Republic.

E. The Academic Council shall consist of civilians prominent in civilian, cultural, legal, technical, police or academic life, appointed by the President of the Republic on the proposal of the Minister concerned and on the basis of criteria of political pluralism.

F. The admissions system shall be determined by the Academic Council, which shall ensure that it is not discriminatory.

G. The teaching staff of the Academy shall be appointed by the Academic Council. No political tendency shall predominate among that staff. The law shall establish suitable mechanisms for ensuring this last goal.

Page 23; Chapter II: National Civil Police; 6. Legal Regime

The National Civil Police and the National Public Security Academy shall each be regulated by special laws. To that end the Parties express their general agreement with the proposed preliminary legislative drafts included as

annexes to this Agreement (annexes II and III), provided that the proposed drafts do not depart from the Agreement. Consequently, in implementation of the New York Agreement, they hereby refer those proposals to COPAZ, along with this Agreement, for it to prepare the corresponding preliminary drafts.

Page 24-29; Chapter II: National Civil Police; 7. Transitional Regime

A. Organization

a. During the transition, the National Civil Police shall not be attached to any Ministry. The Director-General shall be under the direct authority of the President of the Republic.

b. the National Civil Police shall be run by the Director-General, under the terms laid down in this Agreement and in the New York Agreement. Until the establishment of the national Civil Police has been legally formalized, the organizational work shall be done by a Coordinator chosen for his ability to receive wide acceptance.

c. During the transition, the Director-General of the National Civil Police shall be appointed by the President of the Republic from a list of three candidates proposed by the National Commission for the Consolidation of Peace (COPAZ).

d. The Coordinator and, subsequently, the Director-General, shall establish appropriate machinery for information and communication with COPAZ or, before the latter's final formalization, with its transitional body, so that the Commission can perform its function of supervising the organization of the national Civil Police. As part of the normal exercise of its functions, COPAZ shall designate a subcommission to carry out this task, which shall serve as an advisory commission to the Coordinator or to the Director-General for the adoption of relevant decisions or measures concerning the organization of the National Civil Police, the assumption of its functions and, in general, matters relating to the transitional regime which have not been expressly resolved in this chapter.

e. In accordance with the provisions of the New York Agreement, the organization of the National Civil Police shall be determined, on the terms set forth in this Agreement, under close international cooperation and supervision, coordinated by the United Nations.

B. Assumption of functions

a. The National Civil Police shall take up its functions gradually, as contingents graduating from the National Public Security Academy make it possible to staff fully each of the functional and territorial structures provided for in this chapter. The Director-General shall determine the priorities and order according to which this assumption of functions shall take place.

b. The process of replacing the former security forces shall be carried out by geographical department, making sure that there are no gaps in authority. Within 21 months of the launching of this process, all departments must be covered by contingents of the National Civil Police.

c. During the first two years of the formation of the new force, the goal of 5,700 officers at the basic level and 240 at the executive and senior levels must be achieved. Over the following five years, the final figures for the National Civil Police, estimated tentatively at some 10,000 officers at the basic level and about 500 at the executive and senior levels, shall be attained.

d. While the first senior and executive of National Police Force are being trained, the Director-General may order the creation of provisional commands, exclusively for the National Civil Police, which shall act during a predetermined period and shall be supported by experts and advisers, under a programme of close international cooperation and supervision, coordinated by the United Nations, on the terms laid down in this Agreement.

e. While the progressive development of the new force is taking place under the terms laid down in this Agreement, the existing National Police shall continue to perform its current public security functions, with the exception laid

down in the next paragraph. The National Police shall be the only one of the current public security forces to retain functions of this nature during the transitional period. The international verification of agreements to be undertaken by the United Nations through ONUSAL shall include the activities of a group of specialists from countries with experience in the organization and operation of civilian police forces. The tasks of those specialists shall include, in addition to cooperating in ensuring a smooth transition and assisting police authorities, that of accompanying officers and members of the National Police in the performance of their duties.

f. During the progressive deployment of the new force to zones which were traditionally conflict zones during the armed conflict, public security in those zones shall be subject to a special regime to be determined by the Director-General of the National Civil Police. That regime shall, in any case, envisage activities by the group of specialists referred to in the preceding paragraph.

g. Personnel of the National Civil Police graduating from the National Public Security Academy shall be subject to the general rule laid down in this chapter that police shall not be required to live in barracks. During the initial period, however, exceptions may be made where this is justified by lack of personnel in the early phases of the deployment of the new force. This exceptional regime may not be extended under any circumstances beyond 31 December 1993.

h. In any case, during the preparatory phase and, in general, during the transitional period until the National Police is completely replaced by the National Civil Police, the role of international advisory services and verification shall be strengthened.

C. National Public Security Academy

a. During the transition, the National Public Security Academy shall not be attached to any Ministry. Its Director shall be under the direct authority of the President of the Republic.

b. During the transition, the Director-General of the National Public Security Academy shall be appointed by the President of the Republic from a list of three candidates proposed by COPAZ.

c. COPAZ shall determine how many members the Academic Council of the National Public Security Academy should have during the transition. In this same period, those members shall be appointed by the President of the Republic from lists of three candidates proposed by COPAZ. In any case, the Council shall consist of civilians prominent in civilian, cultural, legal, police or academic life, in accordance with this chapter. The lists proposed by COPAZ and the final appointments made by the President of the Republic must ensure pluralism of the Academic Council.

d. The admissions system shall be determined by the Academic Council, which shall ensure that it is not discriminatory.

e. Admission shall be contingent on passing the entrance examinations provided for in section 4 of this chapter, adapted to the criteria and procedures referred to in the New York Agreement. The examinations shall be prepared on the basis of exclusively technical criteria and the formation of the boards of examiners responsible for administering them must be such as to ensure the juries' absolute impartiality. To that end, where it is necessary to obtain additional technical resources because there are not enough suitable resources in the country, the support of experts shall be sought through the United Nations under the terms laid down in this Agreement, as indicated in the next paragraph of this section. COPAZ shall pay special attention to monitoring the fulfilment of this provision.

f. In selecting the initial academic personnel, every effort shall be made to find the best human resources available in Salvadorian society so as to provide a group of teachers which is sufficiently broad and pluralistic and of sufficiently high quality to give the new police force a cultural identity in keeping with its nature and doctrine. To that end, assistance shall be sought from university lecturers, expert jurists, doctors and other professionals involved in police matters. COPAZ shall establish appropriate mechanisms to ensure that no political tendency predominates in that academic body. Such mechanisms

must be included in the preliminary bill on the National Public Security Academy.

g. In those areas of study where there are not sufficient teachers in the country to meet the initial needs of the Academy, the support of experts shall be sought through the United Nations under the terms laid down in this Agreement, as indicated in the following paragraph.

h. For the purposes of the recruitment, selection, preparation and training of new personnel, the support of experts from countries which are able to provide the assistance required for the needs of this process shall be sought through the United Nations, under the terms laid down in this Agreement.

D. Personnel

a. The criteria and mechanisms for the selection and training of personnel shall accord with the concept of the National Civil Police as a new force, with a new organization, new officers, new education and training mechanisms and a new doctrine. In this context, personnel who did not participate directly in the armed conflict shall be encouraged to join the force, without prejudice to the right of former members of the National Police and former FMLN combatants not to be discriminated against in the selection of such personnel and their right to join the National Civil Police under the terms of the New York Agreement and of this Agreement.

b. A publicity campaign to promote the recruitment of new personnel for the National Civil Police shall be designed and implemented as soon as possible. Special consideration shall be given to the recruitment of women.

c. Former members of the National Police may join the National Civil Police under the terms of this agreement, after an evaluation of their conduct, provided that they meet the admission requirements and go through the new National Public Security Academy. This evaluation shall be made by the Director-General of the National Civil Police, under the supervision of COPAZ, and shall be subject to verification by the United Nations.

d. Former FMLN combatants may join the National Civil police provided that they fulfil the admission criteria and procedures established for them by COPAZ and go through the new National Public Security Academy. As part of the verification of the cessation of the armed conflict, ONUSAL shall check that applicants who identify themselves in this category have actually and irrevocably abandoned the armed struggle. All this shall be supervised and guaranteed by COPAZ.

e. For the recruitment of personnel referred to in the preceding paragraphs, in the case of the basic level of the National Civil Police, the level of general knowledge and/or the zones in which personnel are to be recruited and serve shall be taken into account. Those who do not have the level of formal education required for admission must pass an aptitude and skills test to evaluate their ability to follow the study programmes of the National Public Security Academy satisfactorily. Special courses shall be organized to prepare for this test, under the auspices of the National Public Security Academy and with support from the Ministry of Education and the country's universities.

f. For courses at the basic level, 330 recruits shall be selected per month, for a 6-month training course, during the first 24 months of the mass training programme. Candidates shall be selected in such a way as to ensure that most recruits did not participate directly in the armed conflict and that the proportion of former FMLN combatants is no greater than that of former members of the National Police, and vice-versa. COPAZ shall take special care to ensure that these requirements are met.

g. The recruitment of officers for the executive and senior levels of the National Civil Police shall be carried out by means of rigorous selection, in accordance with the criteria and procedures laid down in this Agreement, and shall fully respect the principles of equality of opportunity among applicants and non-discrimination. Courses shall last a year, according to the level and manning table concerned. A total of 120 officers shall be trained each year.

h. Posts at the executive and senior levels shall be allocated to graduates of the National Public Security Academy by the Director-General according to the needs of the service. However, the top five students each year shall be entitled

to choose from the various vacant posts corresponding to the level of responsibility of their studies.

i. Without prejudice to the provisions of the preceding paragraph, zones that were traditionally conflict zones during the armed conflict shall be the object of special treatment designed to promote national reconciliation and stability during the transition. Such treatment shall involve the formation of police units comprising personnel of different origins who have graduated from the National Public Security Academy. The chiefs of the corresponding delegations shall be appointed following consultations with the advisory commission of COPAZ.

j. All personnel joining the National Police in accordance with this Agreement shall be considered to be civilians, regardless of their origin.

E. Any other matter relating to the transitional regime which has not been resolved by this Agreement or by other agreements already adopted by the Parties shall be decided by COPAZ, under the terms laid down in the New York Agreement.

Page 79; Annex II: Preliminary Bill Organizing The National Civil Police

The Legislative Assembly of the Republic of El Salvador

Whereas

In accordance with paragraph 17 of article 168 of the Constitution, it is the responsibility of the President of the Republic: "to command, organize and maintain the National Civil Police to preserve peace, tranquillity, order and public security, in both urban and rural areas, adhering strictly to respect for human rights and under the control of civilian authorities. The National Civil Police and the armed forces shall be independent and shall be placed under the authority of different ministries", The establishment of the National Civil Police must be accompanied by an act organizing and regulating it institutionally, HEREBY DECREES
[...]

Page 79-82; Annex II: Preliminary Bill Organizing The National Civil Police; Title I: General Provisions

Article 1

The National Civil Police of El Salvador shall have the mission of protecting and safeguarding the free exercise of the rights and freedoms of individuals, preventing and combating all types of crimes and maintaining internal peace, tranquillity, order and public security throughout the national territory.

There shall be no other armed police body with national jurisdiction.

Article 2

The National Civil Police shall be an armed institution which is civilian and professional in nature and is free from all partisan activity. Its structure and organization shall be hierarchical, under the supreme command of the President of the Republic, who shall exercise such command through the Minister of the Interior and Public Security and the Vice-Minister for Public Security.

Article 3

Under the authority of the Minister and of the Vice-Minister for Public Security, the day-to-day command of the police shall be exercised by the Director-General of Police. The Director-General shall direct and monitor the implementation of the public security policy formulated by the Government. He shall also be the supreme administrative authority of the National Civil Police.

The Director-General of Police shall be appointed by the President of the Republic. He may be dismissed by resolution of the Legislative Assembly for serious violations of human rights, as provided in the Constitution.

Article 4

Under the authority of the Director-General, the General Inspectorate of Police shall be responsible for monitoring and supervising the activities of the operational services of the force.

The Inspector General shall be appointed by the Director-General, in consultation with the Attorney-General of the Republic and the National Counsel for the Defence of Human Rights.

The General Inspectorate shall comprise a Monitoring Division, which shall have the function of monitoring all police services, and a Disciplinary Investigation Division, which shall have the function of investigating breaches of discipline by police officers.

[...]

Article 6

The National Civil Police shall have the following central divisions: Public Security; Criminal Investigation; Frontiers; Finance; Arms and Explosives; Protection of Eminent Persons; Environment; and others to be established by order of the President of the Republic. Chiefs of division shall be appointed by the Director-General of Police, on the proposal of the Deputy Director-General for Operations. In the case of the Chief of the Criminal Investigation Division, prior consultation shall also be required with the President of the Judiciary and the Attorney-General of the Republic. In the case of the Chief of the Finance Division, the prior approval of the Minister of Finance shall be required.

[...]

Article 14

There shall be one police delegation per department and one metropolitan delegation for the city of San Salvador, to which all police units of the corresponding district shall report. The organizational structure of delegations shall be adapted to the needs and characteristics of each department.

Chiefs of delegations shall be appointed by the Director-General of Police on the proposal of the Deputy Director-General for Operations, who shall be their direct supervisor. The headquarters of delegations shall be located in departmental capitals.

Within each delegation, there shall be subdelegations and police posts as required for local needs.

Article 16

Ordinary courts shall be competent to try crimes committed against members of the National Civil Police, as well as crimes committed by them, even in the exercise of their functions.

Page 82-86; Annex II: Preliminary Bill Organizing The National Civil Police; Title II: Functions of the Police

Article 17

The functions of the National Civil Police shall be to:

1. Protect and safeguard the free exercise of the rights and freedoms of citizens throughout the national territory.
2. Maintain internal peace, tranquillity, order and public security,
3. Prevent and combat all types of crimes.
4. Make arrests in the cases provided by law.

5. Monitor and supervise the admission, departure, activities and expulsion of aliens and the migration of nationals and monitor and supervise public and private national airports, without prejudice to the constitutional duty of the armed forces to defend the integrity of the territory of the State.
6. Prevent and combat infringements of tax law, under the terms set out in article 10.
7. Grant protection to persons and property throughout the national territory, under the terms set out in article 12.
8. Prevent and combat infringements of the constitutional and legal regime on the manufacture, import, export, trading, possession and bearing of weapons, ammunition, explosives and similar articles.
9. Monitor private security entities or services.
10. Oversee passenger and goods traffic on public thoroughfares and ensure the safety of the roads.
11. Safeguard all land, sea and air communication routes from frontiers, ports and airports.
12. Enforce provisions relating to the protection of the environment.
13. Guard the perimeter of penitentiaries and escort prisoners and detainees.
14. Provide members of the judiciary with the support they need to enforce their decisions.
15. Provide the Attorney-General of the Republic with the support he needs to investigate crimes and, in particular, criminal acts which must be subject to criminal jurisdiction.
16. Provide the National Counsel for the Defence of Human Rights with the support he needs to discharge his duties.
17. Compile and classify data for the preparation of national crime statistics.
18. Assist citizens in cases of public disaster.
19. Participate in any social, civic, cultural or educational programmes which the Government may order through the Minister or Vice-Minister.
20. Any other functions which may be assigned to it by law.

For the purpose of exercising the powers mentioned in subparagraphs 14, 15 and 16 of this article, the Director-General of Police shall detach the necessary police officers at the request of the judge, the Attorney-General of the Republic or the National Counsel for the Defence of Human Rights, as the case may be. In such circumstances, the officers thus detached shall remain within the organisational structure of the National Civil Police, but shall be under the functional authority of the judge, the Attorney-General of the Republic or the National Counsel for the Defence of Human Rights, as the case may be. The request or authorisation of the latter authorities shall be essential in order to release such officers from the duties thus entrusted to them.

Article 18

The exercise of police functions shall be subject to the following code of conduct:

1. Members of the National Civil Police shall at all times observe the duties imposed on them by law, serving the community and protecting all persons from illegal acts, in keeping with the high degree of responsibility required by their profession.
2. In the performance of their tasks, members of the National Civil Police shall respect and protect human dignity and shall preserve and defend the human rights of all persons.

3. Questions of a confidential nature of which members of the National Civil Police have knowledge shall be kept secret, unless compliance with duty or the needs of justice strictly demand otherwise.

4. No member of the National Civil Police may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor invoke the orders of a superior or special circumstances, such as a state of war or threat of war, threats to national security, internal political instability or any other public emergency to justify torture or other cruel, inhuman or degrading treatment or punishment.

5. Members of the National Civil Police shall ensure full protection of the integrity and health of persons in their custody and, in particular, shall take immediate steps to provide medical care when necessary.

6. Members of the National Civil Police shall not commit any act of corruption. They shall also strongly oppose such acts and shall combat them.

7. Members of the National Civil Police who have reason to believe that a breach of these rules of conduct has occurred or is about to occur shall so inform their superiors and, if necessary, any authority or appropriate agency having powers of control or correction.

Article 19

Members of the National Civil Police shall wear the regulation uniform whenever they are on active duty. In exceptional cases, the Minister, or in his absence, the Vice-Minister or the Director-General may give authorisation for not wearing uniforms for certain tasks.

Article 20

Members of the National Civil Police shall bear regulation firearms when warranted by the circumstances and their duties.

The use of firearms shall be governed by the following norms:

1. In the performance of their functions, members of the National Civil Police shall, as far as possible, utilize non-violent means before resorting to the use of force and firearms. They may use force and firearms only when other means prove ineffective or do not in any way guarantee the achievement of the legitimate anticipated result.

2. Members of the National Civil Police shall not use firearms against people except in self-defence or in defence of other people, or in case of imminent danger of death or serious injury, or with the intention of preventing the commission of a particularly serious crime involving a serious threat to life, or for the purpose of arresting a person who represents such a threat and resists their authority, and only where less extreme means prove insufficient to achieve such objectives. In any case, lethal weapons may be used intentionally only when strictly unavoidable for the protection of a life.

3. When the use of firearms becomes unavoidable, members of the National Civil Police shall:

(a) Exercise restraint and take action proportional to the seriousness of the crime and the legitimate objective pursued;

(b) Reduce damage and injury to a minimum and respect and protect human life;

(c) Ensure that medical assistance and services are provided as soon as possible to persons who are injured or otherwise affected;

(d) Endeavour to notify, as soon as possible, the relatives or close friends of injured or otherwise affected persons.

4. Where members of the National Civil Police cause injuries or death through the use of force or firearms, they shall report the fact immediately to their superiors.

5. As part of the performance of their duty to safeguard the exercise of the rights of individuals, members of the National Civil Police shall protect the exercise of the right of assembly and demonstration. Where, for legal reasons, they are compelled to break up a demonstration or a meeting, they shall use the least dangerous means and only to the minimum extent necessary. Members of the National Civil Police shall refrain from using firearms in such cases, save where the meetings are violent and other means have been exhausted, and only under the circumstances provided for in subparagraph 2 of this article.

6. Exceptional circumstances, such as internal political instability or any other public emergency situation, may not be invoked to justify non-compliance with these norms.

Article 21

Members of the National Civil Police shall not normally be required to live in barracks. Such a regime shall be applied only in exceptional circumstances and for the time strictly necessary.

Article 22

Vehicles, communications systems, uniforms, facilities and, in general, any equipment used by members of the National Civil Police shall be suited to the requirements of a police force of the type defined in this act.

Page 86-88; Annex II: Preliminary Bill Organizing The National Civil Police; Title III: Police Regulations

Article 23

Members of the National Civil Police shall, in the performance of their duties, be deferred to as representatives of authority for all legal purposes.

Article 24

The duties of the police shall be to:

1. Respect human rights, the Constitution and the law, whatever the circumstances in which they are required to fulfil their mission.
2. Obey and carry out orders and instructions given by their hierarchical superiors, which shall always be consistent with the Constitution and laws of the Republic. Obedience to an order from above shall not be justification for committing acts which are clearly punishable.
3. Show due consideration and courtesy in their relations with the public and with their subordinates. Police shall identify themselves before taking measures that restrict freedom, except where circumstances of in flagrante delicto prevent them from doing so.
4. Intervene where necessary, even when off duty, to protect persons and property and to prevent a crime.
5. Refrain from engaging in any other remunerated activity and from receiving gifts or rewards related to the performance of their duties.
6. Refrain from taking an active part, while on duty, in political meetings or demonstrations.
7. Refrain from organizing themselves into unions or other groups pursuing similar aims and from participating in strikes.

Article 25

The rights of the policeman are as follows:

1. A policeman shall enjoy job security. He may not be dismissed except for the reasons provided by law.

2. A policeman shall have the right to be informed by his superiors of the missions, organization and functioning of the service to which he belongs.
3. A policeman shall have the right to be promoted within the ranks of the police force, under the conditions provided for in this act.
4. A policeman shall have the right to remuneration consistent with his rank and length of service.
5. A policeman shall have the right to annual leave of no less than 15 working days. The leave period shall be increased after the fifth year of service, on such conditions as are determined by the rules.
6. A policeman shall have the right to a pension and to social security.
7. In the exercise of his functions, a policeman shall have the following prerogatives:
 - a. To request the cooperation of any authority;
 - b. To have access without charge to collective public transport services;
 - c. To be treated free of charge and on a priority basis in hospitals, clinics and health services, if he is injured in the performance of his duties;
4. To be granted facilities for pursuing studies that will enable him to improve his academic level.

Article 26

A policeman shall be responsible for acts committed in the performance of his duties.

Article 27

Members of the National Civil Police shall be subject to the following disciplinary measures, depending on the gravity of the misdemeanour committed: 1. Verbal warning. 2. Written warning. 3. suspension without pay. 4. Arrest for a maximum period of 15 days. 5. Demotion. 6. Dismissal.

Verbal or written warnings shall be within the competence of each chief of service; the policeman shall, however, have the right of appeal to a disciplinary committee.

The other penalties shall be imposed by a disciplinary committee under the authority of the General Inspectorate. Such penalties may be imposed only by means of a procedure which gives the policeman access to the dossier and which respects the rights of defence.

The investigation of misdemeanours shall be the responsibility of the General Inspectorate, which may act proprio motu or on a complaint from any citizen, the chief of service of the policeman concerned, the Attorney-General or the Republic or the National Counsel for the Defence of Human Rights.

Article 28

Members of the National Civil Police may be suspended, with pay, where the best interests of an administrative or judicial investigation so require.

Page 89-90; Annex II: Preliminary Bill Organizing The National Civil Police; Title IV: Police Career and Manning Table

Article 29

Personnel of the National Civil Police must have a vocation of service to the community, a capacity for human relations and emotional maturity, and the physical condition required to serve as a police officer. They must be suited to serving in a police force which is designed, structured and operated as a civilian institution with the purpose of protecting and guaranteeing the free

exercise of the rights and freedoms of individuals; preventing and combating all types of crimes; and maintaining internal peace, tranquillity, order and public security. They must also be able to adjust their conduct satisfactorily to the doctrine and legal regime of the National Civil Police.

Article 30

The manning table of the National Civil Police shall consist of the following levels and categories:

1. Basic level, with the categories of: constable, officer [corporal] and sergeant.
 2. Executive level, with the categories of: deputy inspector, inspector and chief inspector.
 3. Senior level, with the categories of: [intendant, senior intendant and superintendent].
- [...]

Article 34

Members of the National Civil Police may be promoted within the categories of the basic level by means of competitive examinations among those with more than two years' service in the lower category who meet the requirements for the category for which they are applying. Those selected must also successfully complete the course organized for the purpose by the National Public Security Academy.

Article 35

At the executive and senior levels, half the posts shall be reserved for internal promotion. The remaining half may be filled by external competitive examination.

Promotion within these categories shall also be by competitive examination among those with more than three years' service in the lower category who meet the requirements for the category for which they are applying. Those selected must also successfully complete the course organized for the purpose by the National Public Security Academy.

Article 36

Administrative, technical and service staff employed by the National Civil Police shall be subject to civil service regulations and shall not belong to the police.

Page 91-92; Annex II: Preliminary Bill Organizing The National Civil Police; Title V: Transitional Regime

Article 37

The transitional period for the establishment of the National Civil Police shall be 24 months, starting from the entry of the first contingent of basic-level students to the National Public Security Academy.

Article 38

During the transition, the National Civil Police shall not be attached to any Ministry. The Director-General shall be under the direct authority of the President of the Republic.

Article 39

The National Civil Police shall be run by the Director-General, under the terms laid down by this act.

Article 40

During the period of transition until the functional and territorial structures of the National Civil Police are operating normally, the Director-General shall be appointed by the President of the Republic from a list of three candidates proposed by the National Commission for the Consolidation of Peace (COPAZ).

Article 41

During the transition, the Director-General shall establish appropriate machinery for information and communication with COPAZ so that the Commission can perform its function of supervising the organization of the National Civil Police. As part of the normal exercise of its functions, COPAZ shall designate a subcommission to carry out this task, which shall serve as an advisory commission to the Coordinator or to the Director-General.

Article 42

The National Civil Police shall take up its functions gradually, as contingents graduating from the National Public Security Academy make it possible to staff fully each of the functional and territorial structures provided for in this act. The Director-General shall determine the priorities and order according to which this assumption of functions shall take place.

Article 43

The process of replacing the former security forces shall be carried out by geographical department, making sure that there are no gaps in authority. Within 21 months of the launching of this process, all departments must be covered by contingents of the National Civil Police.

Article 44

While the first senior and executive officers of the National Civil Police are being trained, the Director-General may order the creation of provisional commands for a predetermined period.

Page 2-3; ANNEX - Mexico Agreements, (27 April 1991); I. Armed Forces

1. Agreements on constitutional reforms aimed at:

(b) The creation of a National Civil Police for the maintenance of peace, tranquillity, order and public safety in both urban and rural areas, under the control of civilian authorities. It is expressly understood that the National Civil Police and the armed forces shall be independent and shall be placed under the authority of different ministries.

2. [...]

(d) Aspects relating to the personnel of the armed forces and the National Civil Police.

Page 8; ANNEX - Mexico Agreements, (27 April 1991); The Legislative Assembly of the Republic of El Salvador; Article 6

Paragraphs (11) and (12) of article 168 are hereby amended, and three new paragraphs numbered (17), (18) and (19) are hereby added, to read as follows:

“(17) To command, organize and maintain the National Civil Police to preserve peace, tranquillity, order and public safety in both urban and rural areas, adhering strictly to respect for human rights and under the control of civilian authorities. The National Civil Police and the armed forces shall be independent and shall be placed under the authority of different ministries.

“(19) To determine annually a reasonable manpower level for the armed forces and the National Civil Police.”

Page 5-6; ANNEX - New York Agreement (25 September 1991); VI. National Civil Police

The agenda for the negotiations on the National Civil Police provided for in the constitutional reform approved in the Mexico agreements shall include the following items: 2/

2/ The negotiations on the National Civil Police and on the Public Security Forces are at an advanced stage. The Parties have in their possession a working paper which reflects the progress made.

a. Establishment of the NCP. 3/ Doctrine. Juridical regime;

3/ Given the complexity of the task and the time required to carry it out, the process of organizing the new National Civil Police needs to begin immediately, i.e. without awaiting other political agreements or the cessation of the armed confrontation. To this end, provision of the international advisory services required has already begun.

b. Disbandment of the National Guard and the Treasury Police, as Public Security Forces;

c. Personnel of the NCP;

1/) Vetting of National Police personnel.

2/) Enlistment of new personnel. Pluralistic and non-discriminatory selection and training system.

3/) Profiles and training.

4/) International advisory services and support coordinated by the United Nations. The organization of the NCP and of the National Public Security Academy and the selection of their personnel will be the subject of close international cooperation and supervision.

5/) Transitional regime.

Page 4-5; Chapter I: Armed Forces; 2. Educational System of The Armed Forces

[...] the Parties have reached the following agreements:

A. The legal framework of the armed forces educational and training system shall be defined on the basis of the provisions of articles 212 and 213 of the constitutional reform agreed to in April 1991.

[...]

C. Curricula and study programmes for the training and education of the armed forces shall include, in addition to military and technical subjects, scientific and humanistic studies in order to provide an all-round education which gives students the necessary skills to participate actively in the institutional life of the country and promotes at all times an harmonious relationship with civilian society, as well as their normal activities as members of that society.

D. In order to attain fully the goals outlined in the preceding paragraph, members of the armed forces shall be encouraged to take professional and postgraduate courses at the country's universities.

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Education Reform

E. The Military College shall be run on a collegiate basis in teaching matters. Its Director shall be the President of an Academic Council which shall include members of the military and civilians from the academic world. Members of the Academic Council shall be appointed by the President of the Republic.

F. COPAZ shall decide on the number of members of the Academic Council, which shall comprise an equal number of civilians and military personnel.

G. Civilian members of the Academic Council shall be appointed by the President of the Republic, on the basis of criteria of political pluralism, from lists of three candidates proposed by COPAZ.

a. The teaching staff shall be appointed by the Academic Council, which shall ensure that no political tendency predominates among that staff.

[...]

J. The admissions system shall be determined by the Academic Council, which shall ensure that it is not discriminatory.

K. COPAZ shall oversee, in particular, the implementation of paragraphs (G), (B) and (J), under the terms laid down in the New York Agreement of 25 September 1991.

Page 23; Chapter II: National Civil Police; 5. National Public Security Academy

[...]

G. The teaching staff of the Academy shall be appointed by the Academic Council. No political tendency shall predominate among that staff. The law shall establish suitable mechanisms for ensuring this last goal.

Page 26-28; Chapter II: National Civil Police; 7. Transitional Regime

C. National Public Security Academy

a. During the transition, the National Public Security Academy shall not be attached to any Ministry. Its Director shall be under the direct authority of the President of the Republic.

b. During the transition, the Director-General of the National Public Security Academy shall be appointed by the President of the Republic from a list of three candidates proposed by COPAZ.

c. COPAZ shall determine how many members the Academic Council of the National Public Security Academy should have during the transition. In this same period, those members shall be appointed by the President of the Republic from lists of three candidates proposed by COPAZ. In any case, the Council shall consist of civilians prominent in civilian, cultural, legal, police or academic life, in accordance with this chapter. The lists proposed by COPAZ and the final appointments made by the President of the Republic must ensure pluralism of the Academic Council.

d. The admission system shall be determined by the Academic Council, which shall ensure that it is not discriminatory.

[...]

f. In selecting the initial academic personnel, every effort shall be made to find the best human resources available in Salvadorian society so as to provide a group of teachers which is sufficiently broad and pluralistic and of sufficiently high quality to give the new police force a cultural identity in keeping with its nature and doctrine. To that end, assistance shall be sought from university lecturers, expert jurists, doctors and other professionals involved in police matters. COPAZ shall establish appropriate mechanisms to ensure that no political tendency predominates in that academic body. Such mechanisms must be included in the preliminary bill on the National Public Security Academy.

g. In those areas of study where there are not sufficient teachers in the country to meet the initial needs of the Academy, the support of experts shall be sought through the United Nations under the terms laid down in this Agreement, as indicated in the following paragraph.

h. For the purposes of the recruitment, selection, preparation and training of new personnel, the support of experts from countries which are able to provide the assistance required for the needs of this process shall be sought through the United Nations, under the terms laid down in this Agreement.

D. Personnel

[...]

e. For the recruitment of personnel referred to in the preceding paragraphs, in the case of the basic level of the National Civil Police, the level of general knowledge and/or the zones in which personnel are to be recruited and serve shall be taken into account. Those who do not have the level of formal education required for admission must pass an aptitude and skills test to evaluate their ability to follow the study programmes of the National Public Security Academy satisfactorily. Special courses shall be organized to prepare for this test, under the auspices of the National Public Security Academy and with support from the Ministry of Education and the country's universities.

Page 93-95; Annex III: Preliminary Bill On The National Public Security Academy

[...]

Page 39; Chapter VI: Political Participation by FMLN

The following agreements have been reached concerning political participation by FMLN, and shall be subject to the implementation timetable contained in this Agreement:

[...]

4. Granting of licences for FMLN mass media.

7. Guarantee that FMLN will be able to conduct its activities normally when it becomes a political party, meaning:

[...]

(4) freedom for FMLN to purchase and use advertising space in the mass media.

Page 40; Chapter VII: Cessation of the Armed Conflict

[...]

This chapter also includes agreements on the restoration of public administration in conflict zones and the use of the mass media to promote reconciliation (see annexes E and F).

Page 65; Annex F: Use of the mass media to promote reconciliation

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Media Reform

For the purpose of assisting the process of détente and reconciliation:

A. Once this Agreement is signed, the Government shall not jam FMLN radio stations.

B. As from D-day, both Parties undertake to:

a. Promote, through the various mass media at their disposal, a national publicity campaign in favour of the reunification and reconciliation of Salvadorian society.

b. Refrain from any propaganda or information policy that is inconsistent with this Agreement or with the process of détente and reconciliation.

C. COPAZ shall monitor the above undertakings and shall transmit to the Parties any recommendations it deems relevant. It may also make suggestions for the participation of the various sectors of civilian society and, in particular, the mass media in the national reconciliation campaign.

D. ONUSAL shall verify fulfillment of these undertakings.

Page 5; ANNEX - Agreement on Human Rights, (26 July 1990); II. International Verification

14. The Mission's mandate shall include the following powers:

[...]

(k) To use the media to the extent useful for the fulfillment of its mandate;

Page 12; Chapter I: Armed Forces; 13. Redeployment and Discharge

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Demobilization,
Disarmament &
Reintegration

B. All troops discharged as a result of these agreements shall be given compensation equivalent to one year's pay at their wage level and the Government shall promote projects permitting the integration of such individuals into civilian life.

Page 38; Chapter V: Economic and Social Questions; 9. National Reconstruction Plan

The main objectives of the Plan shall be the integrated development of zones affected by the conflict, satisfaction of the most immediate needs of the population hardest hit by the conflict and of former combatants of both Parties, and the reconstruction of damaged infrastructure. In particular, in the context of the corresponding national programmes, measures shall be taken to facilitate the reintegration of FMLN into the country's civil, institutional and political life, including fellowship, employment and pension programmes, housing programmes and programmes for starting up new businesses.

Page 38-39; Chapter VI: Political Participation by FMLN

The following agreements have been reached concerning political participation by FMLN, and shall be subject to the implementation timetable contained in this Agreement:

1. Adoption of legislative or other measures needed to guarantee former FMLN combatants the full exercise of their civil and political rights, with a view to their reintegration, within a framework of full legality, into the civil, political, and institutional life of the country.
2. Freedom for all political prisoners.
3. Full guarantees and security for the return of exiles, war-wounded and other persons currently outside the country for reasons related to the armed conflict.
4. Granting of licences for FMLN mass media.
5. Cessation of the armed conflict implies the commitment and the right of FMLN to full political participation, without any restrictions other than those deriving from the new institutional and legal framework established by the agreements reached during the negotiations.
6. Legalization of FMLN as a political party, through the adoption of a legislative decree to that end.
7. Guarantee that FMLN will be able to conduct its activities normally when it becomes a political party, meaning:
 - a. Freedom to canvass for new members;
 - b. The right to set up an appropriate infrastructure (premises, printing works, etc.);
 - c. Free exercise of the right of assembly and mobilization for FMLN leaders, activists and members;
 - d. Freedom for FMLN to purchase and use advertising space in the mass media.
8. Legal solution to the participation of FMLN members in COPAZ, once the latter formalizes its existence.
9. Special security measures
Immediately after the signing of this Agreement, special security measures shall be taken to protect any FMLN leaders who may require such protection. The aforesaid measures, which may include their being accompanied by diplomatic personnel and also technical support from friendly Governments, shall offer all the facilities required for FMLN leaders to be able to organize their own security in accordance with the law. COPAZ shall supervise the arrangements agreed to herein and shall, if necessary, promote the adoption of the relevant legislative or other provisions to ensure that such security measures are fully effective and properly established. As part of its responsibility for the security of FMLN leaders, the Government of El Salvador shall provide the necessary facilities for implementing the agreed arrangements. ONUSAL shall verify the adoption of the above measures.

Page 40; Chapter VII: Cessation of the Armed Conflict

1. The cessation of the armed conflict (hereinafter referred to as the CAC) is a brief, dynamic and irreversible process of predetermined duration which must be implemented throughout the national territory of El Salvador. During the CAC, there shall be no substantive negotiations but only the measures necessary to put into practice the agreements reached during the negotiating process.

2. The CAC shall begin on 1 February 1992 (hereinafter referred to as D-Day) and shall be completed on 31 October 1992.

3. The CAC consists of four elements, as defined herein:

[...]

b. The separation of forces;

c. The end of the military structure of FMLN and the reintegration of its members, within a framework of full legality, into the civil, political and institutional life of the country;

[...]

Page 41-45; Chapter VII: Cessation of the Armed Conflict; Separation of forces

9. The purpose of the separation of forces is to reduce the risk of incidents, to build trust and to allow ONUSAL to verify both parties' compliance with this Agreement.

10. The separation of forces shall take place in two stages, so that the Salvadorian armed forces (FAES) fall back progressively from their present positions until deployed as they would normally be in peacetime and the FMLN forces are concentrated progressively in designated locations within conflict areas as determined in annex D.

11. During the first stage, which shall coincide with the five days following D-Day, FAES land forces shall go to the barracks, bases, existing semi-permanent facilities and other locations listed in annex A and FMLN forces, except for the combatants mentioned in paragraph 18, shall go to the places listed in annex B. The places listed in annexes A and B generally reflect the present deployment of the two parties' forces.

12. The movements described in the preceding paragraph shall be made under the supervision of ONUSAL. Neither party shall do anything to prevent or jeopardize the movement of the other party's forces during this period. ONUSAL military observers shall closely supervise all the places listed in annexes A and B and shall in principle be present 24 hours a day in each of those places as of D-Day.

13. During the period between D-Day + 6 days and D-Day + 30 days, FAES land forces shall fall back to their peacetime positions as listed in annex C and FMLN forces, except for the combatants mentioned in paragraph 18, shall fall back to the locations indicated in annex D. The precise designation of such locations shall be determined by the ONUSAL Chief Military Observer, in consultation with the two parties, during the informal cease-fire period.

14. The movements described in the preceding paragraph, which shall also be supervised by ONUSAL, shall be carried out according to phased programmes agreed between the ONUSAL Chief Military Observer and the two parties during the informal cease-fire period, through the joint working group to which reference is made in paragraph 32. During this task, the group shall be guided as appropriate by the agreed timetable for the implementation of the agreements reached.

15. As soon as possible after the signing of this Agreement but no later than two weeks before D-Day, the FAES shall transmit to the ONUSAL Chief Military Observer detailed information on the number of their troops and weapons to be concentrated in the places listed in annex A.

16. As soon as possible after the signing of this Agreement but no later than two weeks before D-Day, FMLN shall supply the ONUSAL Chief Military

Observer with detailed information on its troop strength and inventories of arms, ammunition, mines, other explosives and military equipment located anywhere within the national territory. These arms, etc. shall be concentrated in the places listed in annex B, with the exception of those of its clandestine forces, which shall be concentrated in the places listed in annex D during the second stage of the separation of forces.

17. Upon completion of the first stage of the separation of forces, that is, as of D-Day + 6, ONUSAL shall verify that all troops and military equipment declared by the parties, other than the arms, etc. referred to in the last sentence of the preceding paragraph, have been concentrated in the locations listed in annexes A and B. ONUSAL shall investigate any report or allegation of the presence of troops or military equipment in any place other than those locations, apart from the movements authorized in paragraphs 20-22.

18. The arrangements just described relate to FAES land forces and FMLN forces as defined in paragraph 11. Although it is not possible, for practical reasons, to arrange a similar separation of clandestine forces, the latter shall remain fully subject to the undertaking to refrain from carrying out any hostile act or operation. As provided in paragraph 6, any alleged violation of this undertaking shall be investigated by ONUSAL.

19. As of D-Day, the naval and air force components of the FAES shall refrain from carrying out any offensive operation. They shall carry out only such non-hostile missions as are necessary for the discharge of their duties unrelated to the armed conflict. ONUSAL shall be advised in advance of all military flight plans. Such flights shall not be carried out over places where FMLN forces have been concentrated.

20. During the CAC period, ONUSAL liaison officers shall be posted in FAES units, bases and barracks to coordinate in advance the movements of FAES forces throughout the national territory and to verify that such movements will neither violate the cease-fire nor jeopardize in any other way the process of implementing this Agreement.

21. With special reference to FAES forces deployed near places where there are FMLN forces, in other words, those listed in appendix 1 to annex A and those listed in appendix 1 to annex C, the Government agrees that such forces shall be authorized to leave their locations only with the consent of ONUSAL and for the following purposes:

- a. To carry out troop rotations and relief;
- b. To carry out liaison and coordination activities between commands at battalion level and above;
- c. To deliver logistical supplies;
- d. To take part in programmes for the deactivation, removal and destruction of mines;
- e. To go on leave or seek medical care or for other humanitarian reasons, individually, in civilian clothing and unarmed.

However, ONUSAL shall not grant permission for any movement, even in the above cases, if it believes that such movement could jeopardize the cease-fire or other aspects of this Agreement or disturb the process of détente and reconciliation. Forces that leave their locations for the purposes listed in paragraphs (a), (b), (c) and (d) shall be accompanied by ONUSAL, which shall verify that such movements are in keeping with this Agreement.

22. Similarly, during the CAC period ONUSAL liaison officers shall be posted in the listed locations where FMLN forces are to be concentrated in order to coordinate movements by those forces. FMLN agrees that its forces may leave the locations in question only with the consent of ONUSAL and for the following purposes:

- a. To carry out liaison and coordination activities between its high command and the commands of the forces stationed at the various locations indicated;
- b. To supply provisions, clothing or vital necessities;
- c. To take part in programmes for the deactivation, removal and destruction of mines;

d. To go on leave or seek medical care or for other humanitarian reasons, individually, in civilian clothing and unarmed.

However, ONUSAL shall not grant permission for any movement, even in the above cases, if it believes that such movement could jeopardize the cease-fire or other aspects of this Agreement or disturb the process of détente and reconciliation. Forces that leave their locations for the purposes listed in paragraphs (a), (b) and (c) shall be accompanied by ONUSAL, which shall verify that such movements are in keeping with this Agreement.

23. ONUSAL shall verify that the supplies delivered to each party do not include lethal articles. However, the FAES shall be allowed to maintain stocks of ammunition normal for peacetime. The mechanisms for such verification shall be established by the ONUSAL Chief Military Observer in consultation with the two parties.

24. During the cease-fire, COPAZ shall systematically evaluate the progress being made in implementing the Agreements. If it notes that a situation is developing which might result in a crisis, it shall draw such conclusions and make such recommendations as may be necessary to prevent a collapse of the cease-fire or a crisis of public order. It shall transmit its conclusions and recommendations to the Chief of ONUSAL.

25. Should a public order crisis occur despite the above provisions and if the normal means for the maintenance of domestic peace and public security have been exhausted, with the result that the President of the Republic deems it necessary to make use of the exceptional measures provided for in the amendment to article 168 (12) of the Constitution adopted in April 1991, the President shall, before giving the relevant order, inform the Chief of ONUSAL to enable him to make any appropriate remarks. The actions of the FAES under such circumstances shall be monitored closely by ONUSAL to ensure that they are consistent with all the peace Agreements.

End of the military structure of FMLN and reintegration of its members, within a framework of full legality, into the civil, institutional and political life of the country

26. Between D-Day + 6 and D-Day + 30, according to the phased programmes referred to in paragraph 14, FMLN shall concentrate in the 15 designated locations listed in annex D all arms, ammunition, mines, other explosives and military equipment belonging to its forces, both those concentrated during the first stage in the places listed in annex B and those belonging to its clandestine forces, and ONUSAL shall verify that they tally with the information given in the inventories it has received in accordance with paragraph 16.

27. In each of the 15 designated locations, all the arms and equipment mentioned above, save for the personal weapons and equipment of combatants present in the place, shall be kept in locked warehouses. Each warehouse shall have two locks, one key to which shall be kept by ONUSAL and the other by the FMLN commander in the place. ONUSAL shall verify the contents of such warehouses periodically to ensure that there has been no change in them.

28. During the CAC period, FMLN members shall keep their personal weapons and equipment as long as they remain in the designated locations. When they leave those places in order to be reintegrated, within a framework of full legality, into the civil, political and institutional life of the country, their personal weapons shall also be deposited in the locked warehouses referred to in the preceding paragraph. Combatants who are still in the designated locations when the programme for the destruction of arms, etc. provided for in the next paragraph begins, shall deposit their personal weapons and equipment in the locked warehouses, for verification by ONUSAL, immediately prior to their destruction according to a programme agreed with ONUSAL.

29. Between 15 and 31 October 1992, FMLN shall destroy all arms and equipment deposited in designated locations according to the arrangement described above, in the presence and under the sole supervision of ONUSAL and with its technical advice. Such destruction shall be carried out simultaneously in all 15 places designated for FMLN. FMLN shall dispose of the remains of the destroyed weapons.

Page 67-68; Chapter IX: Implementation Timetable; 2.7 Rapid deployment infantry battalions (BIRI)

The following statement is made with regard to the rapid deployment infantry battalions in the relevant part of the timetable for implementing the reduction plan mentioned in paragraph 2.4 of this chapter:

“The demobilization of the BIRIs shall begin in the third week of the sixth month and shall last four weeks. Once the demobilization has begun, the battalions shall be considered to have lost their offensive battle capability.

“The BIRIs shall be demobilized as detailed below:

6th month: General Ramón Beloso BIRI

7th month: Atonal BIRI

8th month: Atlacatl BIRI

9th month: General Eusebio Bracamonte BIRI

10th month: General José Manuel Arce BIRI.”

Page 77; Annex I: Outline For The Drafting of The Act Concerning The Authorization, Registration and Monitoring of Security Groups or Units For Protecting The Property of The State, Corporations or Individuals, and Private Security Personnel; II. Articles; 6. Prohibitions

Prohibit the existence or the functioning of any private armed groups which are not regulated and which do not fulfil the requirements established by this act.

Page 3; ANNEX - Mexico Agreements, (27 April 1991); I. Armed Forces

2. Other issues considered in the negotiations were referred to secondary legislation or to the set of political agreements on the armed forces. These include:

(a) Paramilitary forces.

Page 33; Chapter V: Economic and Social Questions; 3. Lands Within Conflict Zones; C. Inventory of cases covered by this part of the Agreement

Within 30 days from the signing of the Agreement, FMLN shall submit an inventory of land or buildings affected by the Agreement. Upon verification that such land or buildings are in fact subject to the provisions of this Agreement, and in accordance with the procedure set forth in the next section, the Government of El Salvador shall seek to provide a satisfactory legal solution for their final disposal through the voluntary sale of such property by the rightful owners to the current holders, on the terms referred to in section 3 (F) of this chapter.

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Transitional
Timeline

Page 33; Chapter V: Economic and Social Questions; 3. Lands Within Conflict Zones; D. Establishment of a Special Commission

COPAZ Shall appoint a special commission whose members shall be of recognized integrity and ability. The special commission, to be formed within 20 days following the signing of this Agreement, shall be entrusted with the following tasks and duties:

[...]

Page 34; Chapter V: Economic and Social Questions; 3. Lands Within Conflict Zones; E. Legalization of land tenure

Except for particularly complex cases, the Government of El Salvador shall legalise the land-tenure situation in conflict zones definitively within six months from the signing of the cease-fire agreement, granting, as appropriate, individual or collective title to the land.

Page 35; Chapter V: Economic and Social Questions; 6. Measures To Alleviate The Social Cost of Structural Adjustment Programmes; A. Consumer protection

The Government of El Salvador undertakes to adopt policies and create effective mechanisms for consumer protection in accordance with the requirements set out in the last part of article 101, paragraph 2, of the Constitution. In order to comply with this constitutional requirement, the Government undertakes to submit to the Legislative Assembly, within 60 days from the signing of this Agreement, a consumer protection bill providing for the strengthening of the Ministry of Economic Affairs, which could be a first step towards the establishment of an Office of Consumer Protection Advocate (Procuraduria General de Defensa del Consumidor).

Page 66-75; Chapter IX: Implementation Timetable

1. Copaz

1.1 Submission to the Legislative Assembly of the preliminary bill formalizing COPAZ: A+8 at the latest.

1.2 Establishment: D-day.

2. Armed Forces

2.1 Ratification of the constitutional reform

2.1.1 Ratification by the Legislative Assembly: between A- and D-days.

2.1.2 Publication: D + 15 at the latest.

2.2 Educational system

2.2.1 Determination of the number of members and submission by COPAZ of the lists of three candidates for the appointment of civilian members of the Academic Council of the Military College: D+90.

2.2.2 Designation of the Academic Council of the Military College: D+100 at the latest.

2.2.3 Designation of the teaching staff: between D+120 and D+180.

2.2.4 Reforms in the educational system: D+210 at the latest.

2.2.5 Determination of the admissions system by the Academic Council: D+210 at the latest.

2.3 Purification

2.3.1 Issuance of the agreement giving legal form to and formalizing the ad hoc Commission: A+5.

2.3.2 Establishment of the ad hoc Commission: D+105.

2.3.3 Result of the evaluation: D+195.

2.3.4 Corresponding administrative decisions: D+225.

2.3.5 Implementation: D+255.

2.4 Reduction

The Government of El Salvador has submitted to the Secretary-General of the United Nations the timetable for implementing the reduction plan referred to in section 4 of chapter I of this Agreement. The Secretary-General has made the timetable known to FMLN. The United Nations shall verify compliance with that timetable.

2.5 Public security forces: abolition of the Treasury Police and the National Guard as public security forces and transfer of their members to the army: D+30.

2.6 State intelligence

2.6.1 Dissolution of the National Intelligence Department: D+135 at the latest.

2.6.2 Creation of the State Intelligence Agency: D+30 at the latest.

2.6.3 Designation of the Director: D+45 at the latest.

2.6.4 Launching of the evaluation of NID staff: D+60.

2.7 Rapid deployment infantry battalions (BIRI)

The following statement is made with regard to the rapid deployment infantry battalions in the relevant part of the timetable for implementing the reduction plan mentioned in paragraph 2.4 of this chapter:

“The demobilization of the BIRIs shall begin in the third week of the sixth month and shall last four weeks. Once the demobilization has begun, the battalions shall be considered to have lost their offensive battle capability.

“The BIRIs shall be demobilized as detailed below:

6th month: General Ramón Beloso BIRI

7th month: Atonal BIRI

8th month: Atlacatl BIRI

9th month: General Eusebio Bracamonte BIRI

10th month: General José Manuel Arce BIRI.”

2.8 Paramilitary bodies

2.8.1 Civil defence

2.8.1.1 Registration and location: D+60 at the latest.

2.8.1.2 Disarming: D+120 at the latest.

2.8.1.3 Total disbanding: D+150 at the latest.

2.8.2 System of armed forces reserves

2.8.2.1 Submission to the Legislative Assembly of the preliminary bill on military service and armed forces reserves: D+60 at the latest.

2.8.2.2 Promulgation of the law on the new system of military service and armed forces reserves: D+90 at the latest.

2.8.2.3 Replacement of territorial service by a new system of armed forces reserves: D+120 at the latest.

2.8.3 Private security services: Submission of the preliminary bill to the Legislative Assembly: D+45 at the latest.

2.9 Suspension of forcible recruitment

2.9.1 Implementation of the suspension: D-day.

2.9.2 Wide publicity in all the media, especially radio: as of D-day.

2.9.3 Submission to the Legislative Assembly of the preliminary bill on military service and armed forces reserves: D+60 at the latest.

2.9.4 Promulgation of the law: D+90.

2.10 Preventive and promotional measures

2.10.1 Organization of the Armed Forces General Inspectorate: D+90 at the latest.

2.10.2 Functioning of the armed forces court of honour: as of D+255.

2.10.3 Submission to the Legislative Assembly of the preliminary draft amendments to the law on unlawful enrichment: D+90.

2.10.4 Suspension of the issuance of licences to private individuals to bear weapons that are for the exclusive use of the armed forces: A-day.

2.10.5 Cancellation of licences for private individuals to bear weapons that are for the exclusive use of the armed forces: D+30 at the latest.

2.10.6 Recall of such weapons: between D+30 and D+270.

2.10.7 Dissemination of the doctrine of the armed forces: as of D+30.

2.10.8 Adaptation of the legislation on the armed forces: between D-day and D+270.

3. National Civil Police

3.1 Submission to the Legislative Assembly of the preliminary bill organizing the National Civil Police: D+20.

3.2 Submission to the Legislative Assembly of the preliminary bill organizing the National Public Security Academy: between A- and D-days.

3.3 Appointment of the Coordinator: before D-day.

3.4 Submission by COPAZ of the list of three candidates for the post of Director-General of the National Civil Police: D+20 at the latest.

3.5 Appointment of the Director-General of the National Civil Police: D+30 at the latest.

3.6 Submission by COPAZ of the list of three candidates for the post of Director-General of the National Public Security Academy: D+5.

3.7 Determination of the number of members and submission by COPAZ of the lists of three candidates for appointments to the Academic Council of the National Public Security Academy: D+5.

3.8 Appointments of the Director and of the members of the Academic Council of the National Public Security Academy: D + 15.

3.9 Designation of the COPAZ subcommission for the National Civil Police: D-day at the latest.

3.10 Design of the publicity campaign for recruitment: D+10 at the latest.

3.11 Launching of the publicity campaign for recruitment: D+15 at the latest.

3.12 Design of the aptitude test for former members of the National Police and former FMLN combatants: D+30 at the latest.

3.13 Organization of courses for this test: D+45 at the latest.

3.14 Evaluation of former members of the National Police: from D+30 until the end of the transitional period.

3.15 Aptitude and skills test: D+80 at the latest.

3.16 Introduction of the admissions system for the National Public Security Academy: D+80 at the latest.

3.17 Formation of boards of examiners: D+60 at the latest.

3.18 Admission of the first group of candidates: D+90 at the latest.

3.19 Start of courses at the National Public Security Academy: D+90 at the latest.⁴

3.20 Establishment of the entire functional structure of the National Civil Police: D+240.

3.21 Elimination of structures incompatible with the Finance Division of the National Civil Police: D+240.

3.22 Launching of the territorial deployment of the National Civil Police: D+270 at the latest.

3.23 Completion of the territorial deployment of the National Civil Police: 21 months from the start of territorial deployment.

3.24 End of the transitional regime for the National Civil Police and of the functions of the National Police: 2 years after the start of territorial deployment.

3.25 Expiry of the possible requirement to live in barracks: 31 December 1992.

4. Judicial System

4.1 National Council of the Judiciary:

4.1.1 Submission to the Legislative Assembly of the preliminary draft amendments to the law: D+60 at the latest.

4.1.2 Adoption of the new law: D+90.

4.1.3 Election and establishment: at the latest, +90 after the adoption of the new law.

4.2 Judicial Training School: at the latest, +180 after the establishment of the National Council of the Judiciary.

4.3 Formation of lists of candidates for the National Council of the Judiciary: April 1994.

4.4 Judicial career: submission to the Legislative Assembly of a preliminary draft for legal reform: D+90 at the latest.

4.5 Military jurisdiction: submission to the Legislative Assembly of a preliminary draft for legal reform: D+90 at the latest.

4.6 Office of the National Counsel for the Defence of Human Rights:

4.6.1 Submission to the Legislative Assembly of a preliminary draft organic law: D+60 at the latest.

4.6.2 Designation of the National Counsel: D+30 at the latest.

5. Electoral System

5.1 Designation of the Supreme Electoral Tribunal: D+15 at the latest.

5.2 Designation by COPAZ of the Special Commission: D+15 at the latest.

5.3 Legal reform: D+120 at the latest.

5.4 Full implementation of the right of legally registered parties to monitor the preparation, organization, publication and updating of the electoral rolls: one year before the elections, at the latest.

5.5 Publication of the register of electors: at least 20 days before the elections.

6. Economic and Social Questions

6.1 Submission by FMLN of the inventory of affected land or buildings within conflict zones: A+30.

6.2 Designation by COPAZ of a special commission: A+20 at the latest.

6.3 Legalization of land tenure in conflict zones: A+180 at the latest.

6.4 Submission to the Legislative Assembly of the preliminary consumer protection bill: A+60 at the latest.

6.5 Convening by COPAZ of the Economic and Social Forum: A+30 at the latest.

6.6 Submission of the National Reconstruction Plan by the Government of El Salvador to FMLN: A+30 at the latest.

6.7 Establishment of the Reconstruction Fund: D+60 at the latest.

6.8 Start of implementation of the agreements on loans to the agricultural sector and for micro- and small-scale enterprise: as of D+120.

6.9 Start of the transfer of lands in excess of 245 hectares, as of D-day.

6.10 Starting date for requests for State land by former combatants of both Parties: D+60.

6.11 Start of the preferential transfer of land by the State to former combatants of both Parties who have so requested and who are of peasant origin and familiar with farming, and possess no land of any kind: D+90.

6.12 Submission to the Legislative Assembly of the preliminary draft agrarian code: A+12 months at the latest.

6.13 Implementation of agreements on privatization and social welfare: as of A.

6.14 Implementation of agreements on external cooperation: as of D-Day.

6.15 Implementation of programmes to facilitate the integration of former FMLN combatants: before D+60.

7. Political Participation by FMLN

7.1 Adoption of legislative or other measures to guarantee former FMLN combatants the full exercise of their rights: between A and D. 5/

7.2 Arrangements for the security of FMLN leaders and FMLN participants in COPAZ and other commissions: between A and D.

7.3 Release of political prisoners: D+30.

7.4 Promotion of the legislative decree for the legalization of FMLN as a political party: as of D+90.

7.5 Granting of licences for mass media: as of D+30.

7.6 Full guarantees and security for returnees: as of D+40.

8. Cessation of the Armed Conflict

8.1 Informal cessation of the armed conflict: between A and D.

8.2 Establishment of the Joint Working Group: A-day.

8.3 Launching of the reconciliation campaign: A+1.

8.4 Transmittal by the Salvadorian armed forces to ONUSAL of detailed information on the number of their troops and weapons to be concentrated in the places listed in annex A: D-7 at the latest.

8.5 Provision by FMLN to ONUSAL of detailed information on its troop strength and inventories of arms, ammunition, mines, other explosives and military equipment located anywhere in the national territory, and its plans for concentrating them in the places listed in annex B: D-7 at the latest.

8.6 Precise designation of the places to which the Salvadorian armed forces and FMLN are to fall back: between A and D.

8.7 First stage of the separation of forces: between D and D+5.

8.8 Second stage of the separation of forces: between D+5 and D+30.

8.9 Concentration by FMLN in each of the 15 designated locations, under ONUSAL supervision, of all FMLN arms, ammunition, mines, explosives and military equipment, including those belonging to its clandestine forces, pursuant to paragraph 26 of chapter VII (Cessation of the Armed Conflict): between D+6 and D+30.

8.10 Monitoring by ONUSAL of all FMLN arms, ammunition, mines, explosives and military equipment, including those belonging to its clandestine forces, pursuant to paragraphs 27 and 28 of chapter VII (Cessation of the Armed Conflict): as of D+30.

8.11 Reintegration of former FMLN combatants, within a framework of full legality, into the civil, political and institutional life of the country:

8.11.1 D+90: No less than 20 per cent.

8.11.2 D+120: No less than 40 per cent.

8.11.3 D+180: No less than 60 per cent.

8.11.4 D+240: No less than 80 per cent.

8.11.5 31 October 1992: 100 per cent.

8.12 End of the military structure of FMLN: between 15 October 1992 and 31 October 1992.

Final Provision

The time allotted for implementing any agreements not included in this timetable, and any adjustments to the above timetable that may be required, for any reason, shall be decided by ONUSAL in consultation with the Parties.

Page 91-92; Annex II: Preliminary Bill Organizing The National Civil Police; Title V: Transitional Regime

Article 37

The transitional period for the establishment of the National Civil Police shall be 24 months, starting from the entry of the first contingent of basic-level students to the National Public Security Academy.
[...]

Article 43

The process of replacing the former security forces shall be carried out by geographical department, making sure that there are no gaps in authority. Within 21 months of the launching of this process, all departments must be covered by contingents of the National Civil Police.

Article 44

While the first senior and executive officers of the National Civil Police are being trained, the Director-General may order the creation of provisional commands for a predetermined period.

Page 30; Chapter IV: Electoral System

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Electoral & Political
Party Reform

The Parties reaffirm their commitment, made in the Mexico Agreements, to promote a comprehensive proposal for reform of the electoral system. To that end, they request COPAZ to appoint the Special Commission envisaged for that purpose in the Mexico Agreements. That Commission shall study the preliminary draft amendments to the Electoral Code submitted to the Legislative Assembly by the Central Board of Elections, as well as any proposals put forward by its members or by independent experts invited for

that purpose. The Special Commission shall organize its work in such a way that the results can be used within the time-limits set for the reform of the electoral system.

Page 38-39; Chapter VI: Political Participation by FMLN

The following agreements have been reached concerning political participation by FMLN, and shall be subject to the implementation timetable contained in this Agreement:

1. Adoption of legislative or other measures needed to guarantee former FMLN combatants the full exercise of their civil and political rights, with a view to their reintegration, within a framework of full legality, into the civil, political, and institutional life of the country.
2. Freedom for all political prisoners.
3. Full guarantees and security for the return of exiles, war-wounded and other persons currently outside the country for reasons related to the armed conflict.
4. Granting of licences for FMLN mass media.
5. Cessation of the armed conflict implies the commitment and the right of FMLN to full political participation, without any restrictions other than those deriving from the new institutional and legal framework established by the agreements reached during the negotiations.
6. Legalization of FMLN as a political party, through the adoption of a legislative decree to that end.
7. Guarantee that FMLN will be able to conduct its activities normally when it becomes a political party, meaning:
 - a. Freedom to canvass for new members;
 - b. The right to set up an appropriate infrastructure (premises, printing works, etc.);
 - c. Free exercise of the right of assembly and mobilization for FMLN leaders, activists and members;
 - d. Freedom for FMLN to purchase and use advertising space in the mass media.
8. Legal solution to the participation of FMLN members in COPAZ, once the latter formalizes its existence.
9. Special security measures
Immediately after the signing of this Agreement, special security measures shall be taken to protect any FMLN leaders who may require such protection. The aforesaid measures, which may include their being accompanied by diplomatic personnel and also technical support from friendly Governments, shall offer all the facilities required for FMLN leaders to be able to organize their own security in accordance with the law. COPAZ shall supervise the arrangements agreed to herein and shall, if necessary, promote the adoption of the relevant legislative or other provisions to ensure that such security measures are fully effective and properly established. As part of its responsibility for the security of FMLN leaders, the Government of El Salvador shall provide the necessary facilities for implementing the agreed arrangements. ONUSAL shall verify the adoption of the above measures.

Page 4-5; ANNEX - Mexico Agreements, (27 April 1991); III. Electoral System

1. Agreements on constitutional reforms aimed at:

- (a) The establishment of a Supreme Electoral Tribunal to replace the Central Board of Elections. The Supreme Electoral Tribunal shall be the highest administrative authority and jurisdiction with respect to electoral matters. It has

been agreed that the composition of the Tribunal shall be determined by secondary legislation, making sure that no party or coalition of parties predominates it. It has also been agreed that the Supreme Electoral Tribunal shall include members without any party affiliation, elected by a qualified majority of the Legislative Assembly.

(b) It has also been agreed that legally registered political parties shall have the right to monitor the compilation, organisation, publication and updating of the electoral roll.

2. Other issues raised in the negotiations were referred to secondary legislation and to other political agreements. Although the set of political agreements on the electoral system envisaged by the Parties in the Caracas Agenda has still to be negotiated, the following agreements have been reached during the current round:

(a) The electoral roll shall be compiled in such a way that the lists of citizens eligible to vote are published at least 20 days before the date of the election. A simple and expeditious procedure shall be established for making legitimate corrections requested by any interested party.

(b) Within 60 days after the establishment of the new Supreme Electoral Tribunal, a Special Commission presided over by the Tribunal and composed of representatives of all legally registered parties and, possibly, independent experts shall be established to prepare a comprehensive proposal for reform of the electoral system.

Page 7; ANNEX - Mexico Agreements, (27 April 1991); The Legislative Assembly of the Republic of El Salvador; Article 2

In article 77, the words "Central Board of Elections" are hereby replaced by the words "Supreme Electoral Tribunal" and a new paragraph is hereby added, to read as follows:

"Legally registered political parties shall have the right to monitor the compilation, organization, publication and updating of the electoral roll."

Page 12; ANNEX - Mexico Agreements, (27 April 1991); The Legislative Assembly of the Republic of El Salvador

Article 18

Article 208 is hereby amended to read as follows:

"Article 208. The Supreme Electoral Tribunal shall be the highest administrative authority and jurisdiction with respect to electoral matters. Its decisions shall not be subject to appeal» other than appeals to the Tribunal itself for a review, in the cases established by the law, and appeals provided for in this Constitution against violations hereof.

"The composition of the Supreme Electoral Tribunal shall be determined by law, making sure that no party or coalition of parties predominates in it. Likewise, appropriate provision shall be made for the Supreme Electoral Tribunal to include members without any party affiliation, elected by a two-thirds majority of the deputies elected to the Legislative Assembly."

Article 19

Article 209 is hereby amended to read as follows:

"Article 209. The agencies necessary for collecting, counting and checking ballots and for other activities connected with the exercise of suffrage shall be established by law, making sure that no party or coalition of parties predominates in them. Contending political parties shall have the right to monitor the entire electoral process."

Page 15; ANNEX - Mexico Agreements, (27 April 1991); Political agreements elaborating on the constitutional reform; B. Electoral system

1. The electoral roll shall be compiled in such a way that the lists of citizens eligible to vote are published at least 20 days before the date of the election. A simple and expeditious procedure shall be established for making legitimate corrections requested by any interested party.

2. Within 60 days after the establishment of the new Supreme Electoral Tribunal, a Special Commission presided over by the Tribunal and composed of representatives of all legally registered parties and, possibly, independent experts shall be established to prepare a comprehensive proposal for reform of the electoral system, to be completed and submitted to the Legislative Assembly within 120 days of the Commission's establishment. The Special Commission shall in any case be set up at least two years before the next legislative elections, and the Assembly shall vote on the proposed reforms at least one year before the date of those elections.

Page 31; Chapter V: Economic and Social Questions; 1. Preamble

One of the prerequisites for the democratic reunification of Salvadorian society is the sustained economic and social development of the country. At the same time, reunification of Salvadorian society and a growing degree of social cohesion are indispensable for fostering development. Hence, the set of agreements required to put a definitive end to the armed conflict in El Salvador must include certain minimum commitments to promote development for the benefit of all sectors of the population.

In accordance with the New York Agreement, the issues covered by this instrument are: the agrarian problem, loans to the agricultural sector, measures required to alleviate the social cost of structural adjustment programmes, appropriate procedures for direct external cooperation designed to encourage community development and assistance projects, establishment of a forum for economic and social consultation and the National Reconstruction Plan. Also, although the general philosophy or orientation of the Government's economic policy, which FMLN does not necessarily share, is not covered by this Agreement, both Parties agree on the need to provide certain basic guidelines so as to ensure the requisite social stability during the transitional period, consolidate peace and make progress towards the reunification of Salvadorian society.

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Socio-Economic
Development

Page 31-32; Chapter V: Economic and Social Questions; 2. The agrarian problem

A. Lands in excess of the constitutional limit of 245 hectares

The Government of El Salvador shall transfer rural farmland that has not yet been transferred under articles 105 and 267 of the Constitution of the Republic. It likewise undertakes to ensure that implementation of the relevant constitutional requirements is not evaded by owners of rural holdings in excess of 245 hectares.

B. State-owned lands which are not currently part of a forestry reserve

The Government of El Salvador shall transfer to beneficiaries of the agrarian reform, as provided in article 104 of the Constitution, State-owned rural farmland which is not part of a forestry reserve. Under the various land-transfer programmes which the Government of El Salvador is carrying out with State-owned farmland, preference shall be given to former combatants of both Parties who so request voluntarily, are of peasant origin and familiar with farming, and possess no land of any kind. The size of the lots shall be determined by the amount of land available, as mentioned above, and the number of beneficiaries who meet the conditions set out in this section.

C. Lands offered for sale to the State

Making use of the legal, technical and financial resources available to it, the Government of El Salvador shall seek to acquire and transfer through the Land

Bank lands voluntarily offered for sale by their owners. Once the said lands are acquired, they shall be transferred to beneficiaries of the agrarian reform.

D. Recipients of lands transferred in accordance with the preceding sections

The lands acquired under sections A, B and C of this chapter shall be used to satisfy the need for land of landless peasants and small farmers. Specifically, title to the land shall be transferred legally to the peasants and small farmers designated by law as beneficiaries of the agrarian reform.

E. Payments for land

The lands referred to in the preceding sections shall be transferred at market prices and on the same credit terms as are granted to beneficiaries of the reformed sector. At the same time, a system of payments may be established on the basis of a fixed price and long-term financing at low, fixed interest rates not subject to interest capitalization. Domestic credit shall be supplemented with financing from international cooperation, for which a special fund, financed from external resources, shall be established for the purchase of land.

F. New legislation

Since the current agrarian legislation is haphazard, contradictory and incomplete, the Parties agree that it must be harmonized and unified into an agrarian code. To this end, the Government shall submit the relevant draft legislation to the Legislative Assembly no later than 12 months after the signing of this Agreement. If it fails to do so, COPAZ shall take on the task of preparing the corresponding preliminary draft.

Page 32-34; Chapter V: Economic and Social Questions; 3. Lands within conflict zones

A. The land-tenure system in conflict zones

In accordance with the New York Agreement, the current land-tenure situation in conflict zones shall be respected until a satisfactory legal solution for the definitive land-tenure system is arrived at. Consequently, landholders shall not be evicted pending agreement on such a solution; moreover, they shall be given financial support to increase agricultural production. In view of the irregularity of the land-tenure system in conflict zones, the Parties agree on the following:

B. Determination as to who are the "current landholders"

"Landholders" shall mean those currently occupying and/or working the land in conflict zones.

C. Inventory of cases covered by this part of the Agreement

Within 30 days from the signing of the Agreement, FMLN shall submit an inventory of land or buildings affected by the Agreement. Upon verification that such land or buildings are in fact subject to the provisions of this Agreement, and in accordance with the procedure set forth in the next section, the Government of El Salvador shall seek to provide a satisfactory legal solution for their final disposal through the voluntary sale of such property by the rightful owners to the current holders, on the terms referred to in section 3 (F) of this chapter. Should a rightful owner not wish to sell his property, the Government of El Salvador shall make use of the legal mechanisms at its disposal to try to resettle the peasants or small farmers on such land as may be available for the purpose and shall, as far as possible, seek to ensure that such land is situated in the same zones.

D. Establishment of a Special Commission

COPAZ shall appoint a special commission whose members shall be of recognized integrity and ability. The special commission, to be formed within 20 days following the signing of this Agreement, shall be entrusted with the following tasks and duties:

a. To verify the inventory of affected land or buildings within conflict zones. Once the inventory has been verified, the special commission shall submit copies to the Government of El Salvador and to COPAZ;

b. Should the need arise, to facilitate the settlement of disputes between current holders and rightful owners;

c. To take any decisions and measures it deems necessary and proper for the prompt and effective fulfilment of the agreements set forth in this chapter.

E. Legalization of land tenure

Except for particularly complex cases, the Government of El Salvador shall legalize the land-tenure situation in conflict zones definitively within six months from the signing of the cease-fire agreement, granting, as appropriate, individual or collective title to the land.

F. Payment for lands

Lands shall be purchased from their former owners at market prices. The sale to the current holders shall be subject to the same conditions as those granted to beneficiaries of the reformed sector. However, special conditions may be agreed to in the interests of the peace process.

G. Verification by COPAZ

COPAZ shall guarantee fulfilment of the agreements set forth in sections 2 and 3.

Page 34; Chapter V: Economic and Social Questions; 4. 3 July 1991 agreement on occupied lands

The agreement on occupied lands between the Government of El Salvador and peasant organizations shall be respected.

With regard to lands occupied illegally after the date of that agreement, the Government of El Salvador gives notice that it reserves the right to enforce the relevant legal provisions so as to ensure that the rule of law prevails. FMLN holds that the agrarian problem, including land occupations, should be dealt with through consultation and the channels and mechanisms provided by the peace agreements.

Page 34-35; Chapter V: Economic and Social Questions; 5. Loans to the agricultural sector and to micro- and small-scale enterprise

A. Loans to the sector as a whole

The Government of El Salvador shall see to it that the national financial system has the resources it needs to meet the demand for credit of the agricultural sector in general and of micro- and small-scale enterprise and small-scale peasant production, including cooperatives in the reformed and the non-reformed sector, in particular. It shall also establish rules governing loans for agricultural and industrial production so that such loans are granted in a timely manner and in amounts sufficient to sustain productive capacity and the marketing of the goods produced. To that end, it shall promote an increase in loans by the commercial banking system to small businessmen and small-scale enterprises.

B. Active involvement of target sectors

The Government also undertakes to permit and promote the active involvement of target sectors in both the design and the administration of special credit programmes for those sectors. To that end, the Government undertakes to increase the participation of organizations representing the sectors referred to in the preceding section in developing policies of the Agricultural Guarantee Fund, FIGAPE, FEDECREDITO and BFA, and to ensure that the financial position of these institutions remains sound and that they become conduits for channelling external resources into loans for micro-

and small-scale enterprise, small-scale peasant production and cooperatives in both the reformed and the non-reformed sector.

C. Technical assistance

The Government of El Salvador shall design and promote new programmes of technical assistance to help increase the productivity of peasant farmers and smallholders, especially in conflict zones.

D. International cooperation for the agricultural sector

Given the increase in the demand for agricultural credit that will follow the signing of the Peace Agreement, the Government of El Salvador undertakes to seek additional external resources to cover the new needs of the sector. In this connection, the Government shall seek external financial resources to increase the operations of the Agricultural Guarantee Fund as a mechanism for facilitating lending to small- and medium-sized farmers and their cooperatives, without adversely affecting the financial health of lending institutions.

Page 35-36; Chapter V: Economic and Social Questions; 6. Measures to alleviate the social cost of structural adjustment programmes

A. Consumer protection

The Government of El Salvador undertakes to adopt policies and create effective mechanisms for consumer protection in accordance with the requirements set out in the last part of article 101, paragraph 2, of the Constitution. In order to comply with this constitutional requirement, the Government undertakes to submit to the Legislative Assembly, within 60 days from the signing of this Agreement, a consumer protection bill providing for the strengthening of the Ministry of Economic Affairs, which could be a first step towards the establishment of an Office of Consumer Protection Advocate (Procuraduría General de Defensa del Consumidor).

B. Privatization

The policy of privatization shall increase society's share of ownership by affording workers access to ownership of privatized companies. It shall also avoid monopolistic practices, while guaranteeing business freedom and consumer protection, in accordance with the provisions of article 110 of the Constitution.

C. Social welfare programmes

The Government of El Salvador shall seek to strengthen existing social welfare programmes designed to alleviate extreme poverty. Additional external resources shall be sought for this purpose.

Page 36; Chapter V: Economic and Social Questions; 7. Procedures for direct external cooperation for community development and assistance projects

The Government of El Salvador shall facilitate private direct external cooperation for community development and assistance projects, provided that assistance is channelled in accordance with foreign exchange and lending regulations. Official direct external cooperation may also be approved, subject to the provision of the requisite information on the purposes of such cooperation.

The Government shall grant legal and institutional facilities to private sources of direct external cooperation benefiting communities, social organizations and national non- governmental organizations: it shall not discriminate among the latter, provided that it is ascertained that they are engaged in or wish to engage in integrated development projects. Former combatants of both Parties shall have access to external cooperation funds.

Page 36-37; Chapter V: Economic and Social Questions; 8. Forum for economic and social consultation

A. Purpose of the Forum

A forum shall be established in which representatives of the Government, labour and the business community shall participate on an equal footing for the purpose of working out a set of broad agreements on the economic and social development of the country for the benefit of all its inhabitants. The consultation process shall be a sustained effort and shall be conducted in phases, bearing in mind that the aim is to reach some agreements that are to be implemented immediately to achieve stabilization, others that are designed to tackle the economic and social problems that will ensue from the end of the conflict and still others that are geared specifically to reconstruction.

Among other things, the Government shall propose to the Forum for Economic and Social Consultation that existing labour legislation be revised in order to promote and maintain a climate of harmonious labour relations, without prejudice to the unemployed and the public at large. It shall also propose that the situation of disadvantaged urban and outlying urban communities be analysed with a view to proposing solutions to problems resulting from the armed conflict of recent years. In general terms, the Forum shall be the mechanism for agreeing on measures to alleviate the social cost of the structural adjustment programme.

B. Establishment of the Forum

COPAZ shall convene the Forum for Economic and Social Consultation for the first time no later than one month after the signing of this Agreement.

C. Composition of and representation in the Forum

The composition of the Forum and the representation in it of the various sectors and the Government shall be as follows:

- a. The Government of El Salvador shall be represented at a high level, its representatives being empowered to take decisions on economic and social matters;
- b. The most representative labour and business organizations shall be invited to represent those sectors. In addition, the Forum may invite other social and political sectors to participate in its work as observers, on terms to be determined by it.

D. Powers of the Forum

The Forum shall determine its own operational structure and the issues for discussion and consultations. The sectors represented in the Forum shall have equal rights and shall enjoy equal opportunities for expressing their views.

In order to guarantee the effectiveness of the agreements reached by the Forum by consensus, the Government undertakes to issue, amend or repeal decrees or provisions within its sphere of competence and to submit relevant proposals to the other organs of State.

E. Secretariat of the Forum

The Forum shall appoint a secretariat to provide it with technical support and ensure the continuity of its work.

Page 37-38; Chapter V: Economic and Social Questions; 9. National Reconstruction Plan

Within 30 days from the signing of the agreement on the cessation of the armed conflict, the Government of El Salvador shall submit to FMLN the National Reconstruction Plan which it has drawn up, so that the recommendations and suggestions of FMLN, like those of the various sectors of national life, may be taken into account, ensuring that the Plan reflects the country's collective wishes.

The main objectives of the Plan shall be the integrated development of zones affected by the conflict, satisfaction of the most immediate needs of the

population hardest hit by the conflict and of former combatants of both Parties, and the reconstruction of damaged infrastructure. In particular, in the context of the corresponding national programmes, measures shall be taken to facilitate the reintegration of FMLN into the country's civil, institutional and political life, including fellowship, employment and pension programmes, housing programmes and programmes for starting up new businesses.

The Plan shall pay special attention to the need to promote job creation on a massive scale and to increase the production of basic foodstuffs, which shall be a priority for the State. To that end, the Government shall promote the integrated development of agricultural, stockbreeding, fisheries, forestry and agro-industrial activities, guarantee the provision of basic social services and launch the construction and rehabilitation of economic and social infrastructures. The National Reconstruction Plan shall also include programmes for the war-disabled and the relatives of victims among the civilian population.

Given the magnitude of the additional resources that will be required for the implementation of the Plan, both Parties appeal to the international community to lend its fullest support to the fund-raising effort. To this end, a national reconstruction fund shall be established, to be supported by the United Nations Development Programme.

The role of UNDP shall include advising the Government on all matters relating to the mobilization of external support, assisting in the preparation of projects and programmes likely to attract such support, facilitating approaches to official bilateral and multilateral agencies, mobilizing technical assistance and cooperating with the Government in harmonizing the Plan with the activities of non-governmental organizations involved in local and regional development activities.

Page 6-7; ANNEX - New York Agreement (25 September 1991); VII. Economic and social questions

1. Lands in excess of the constitutional limit of 245 hectares, as well as lands owned by the State which are not currently legally designated forest reserves, shall be used to meet the needs of peasants and small farmers who are without land. To this end, the Government shall also make arrangements to purchase lands offered for sale to the State.

2. The current land-holding situation in the conflict zones shall be respected until a satisfactory legal solution for the definitive land-holding regime is arrived at. The procedures and deadlines for the implementation of this agreement shall be agreed upon in the compressed negotiations.

3. The policies for granting loans to the agriculture and livestock sector shall be revised.

4. The Parties refer to the compressed negotiations, as part of the economic and social subject area, consideration of the following topics:

a. Measures required to alleviate the social cost of structural adjustment programmes;

b. Appropriate procedures for direct external cooperation designed to encourage community assistance and development projects;

c. Establishment of a Forum for economic and social accommodation, with participation by the governmental, labour and business sectors, for the purpose of continuing to resolve economic and social problems. The Forum may be open to participation by other social and political sectors as observers, under terms to be determined by it.

Page 18; Chapter II: National Civil Police; 3. Functional And Territorial Structure; C. Office of the Deputy Director-General for Operations; a. Divisions; (4) Finance Division

Under the functional control of the Ministry of Finance and without prejudice to the fiscal oversight or other functions performed by it, this Division shall be responsible for preventing and combating infringements of tax law. It shall be the police support organ of the Ministry of Finance. It shall have two departmental customs and taxes.

The Finance Division shall be the only police organ with competence in the areas of customs and taxes. Consequently, following its entry into operation, all provisions and structures incompatible with this principle shall cease to exist.

The Chief of the Finance Division shall be appointed by the Director-General of the National Police with the prior approval of the Minister of Finance.

Page 32; Chapter V: Economic and Social Questions; 2. The Agrarian Problem; E. Payments for land

The lands referred to in the preceding sections shall be transferred at market prices and on the same credit terms as are granted to beneficiaries of the reformed sector. At the same time, a system of payments may be established on the basis of a fixed price and long-term financing at low fixed interest rates not subject to interest capitalization. Domestic credit shall be supplemented with financing from international cooperation, for which a special fund, financed from external resources, shall be established for the purchase of land.

Page 34-35; Chapter V: Economic and Social Questions; 5. Loans to the agricultural sector and to micro- and small-scale enterprise

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Financial Arrangements

A. Loans to the sector as a whole

The Government of El Salvador shall see to it that the national financial system has the resources it needs to meet the demand for credit of the agricultural sector in general and of micro- and small-scale enterprise and small-scale peasant production, including cooperatives in the reformed and the non-reformed sector, in particular.

It shall also establish rules governing loans for agricultural and industrial production so that such loans are granted in a timely manner and in amounts sufficient to sustain productive capacity and the marketing of the goods produced. To that end, it shall promote an increase in loans by the commercial banking system to small businessmen and small-scale enterprises.

B. Active involvement of target sectors

The Government also undertakes to permit and promote the active involvement of target sectors in both the design and the administration of special credit programmes for those sectors. To that end, the Government undertakes to increase the participation of organizations representing the sectors referred to in the preceding section in developing policies of the Agricultural Guarantee Fund, FIGAPE, FEDECREDITO and BFA, and to ensure that the financial position of these institutions remains sound and that they become conduits for channelling external resources into loans for micro- and small-scale enterprise, small-scale peasant production and cooperatives in both the reformed and the non-reformed sector.

D. International cooperation for the agricultural sector

Given the increase in the demand for agricultural credit that will follow the signing of the Peace Agreement, the Government of El Salvador undertakes to seek additional external resources to cover the new needs of the sector. In this connection, the Government shall seek external financial resources to increase the operations of the Agricultural Guarantee Fund as a mechanism for facilitating lending to small- and medium-sized farmers and their cooperatives, without adversely affecting the financial health of lending institutions.

**Page 81; Annex II: Preliminary Bill Organizing The National Civil Police;
Title I: General Provisions; Article 10**

Under the functional control of the Ministry of Finance, the Finance Division shall be responsible for preventing and combating infringements of tax law, without prejudice to the fiscal oversight or other functions performed by that Ministry, for which it shall serve as police support organ. It shall have two departmental customs and taxes.

The Finance Division shall be the only police organ with competence in the areas of customs and taxes. Consequently, following its entry into operation, all provisions and structures incompatible with this principle shall cease to exist.

Page 93-95; Annex III: Preliminary Bill On The National Public Security Academy

Article 1

(3) The Academy shall operate with financial autonomy and must have sufficient resources made available to it. To that end, it shall have its own budget.

Article 7

The Director of the Academy shall be responsible for:

- (b) Authorizing expenditure and payments;
- (f) Drawing up the preliminary budget proposal;

Page 44; Chapter VII: Cessation of The Armed Conflict; Separation of forces

24. During the cease-fire, COPAZ shall systematically evaluate the progress being made in implementing the Agreements. If it notes that a situation is developing which might result in a crisis, it shall draw such conclusions and make such recommendations as may be necessary to prevent a collapse of the cease-fire or a crisis of public order. It shall transmit its conclusions and recommendations to the Chief of ONUSAL.

**Page 2-3; ANNEX - New York Agreement (25 September 1991); I.
Comisión Nacional para la Consolidación de la Paz**

1. The Comisión Nacional para la Consolidación de la Paz (National Commission for the Consolidation of Peace) (COPAZ) shall be responsible for overseeing the implementation of all the political agreements reached by the Parties. COPAZ is a mechanism for the monitoring of and the participation of civilian society in the process of the changes resulting from the negotiations, in relation both to the armed forces, in particular, and to the other items on the agenda.

4. Powers

a. COPAZ shall not have executive powers since it is for the Parties, through their internal machinery, to carry out the peace agreements.

b. The Parties shall be obliged to consult COPAZ before adopting decisions or measures relating to relevant aspects of the peace agreements. Similarly, COPAZ may consult the Parties, at the highest level, whenever it deems it appropriate to do so. In the event of a difference of opinion as to whether a matter should be submitted to COPAZ, the question shall be decided by COPAZ.

c. At the request of three or more of its members, COPAZ shall be convened immediately and its opinion heard.

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Dispute Settlement
Mechanisms

d. COPAZ shall have direct access to the President of the Republic and shall meet with him whenever COPAZ itself or the President deems it appropriate.

e. COPAZ shall have access to and may inspect any activity or site connected with the implementation of the peace agreements.

f. COPAZ shall have the power to issue conclusions and recommendations of any kind relating to the implementation of the peace agreements and to make them public. The Parties undertake to comply with those conclusions and recommendations.

g. COPAZ shall have the power to prepare the preliminary legislative drafts necessary for the development of the agreements which have been reached, both on the subject of the armed forces and on the other items on the agenda. [...]

Page 25; Chapter II: National Civil Police; 7. Transitional Regime; B. Assumption of functions

e. [...] The international verification of agreements to be undertaken by the United Nations through ONUSAL shall include the activities of a group of specialists from countries with experience in the organization and operation of civilian police forces. The tasks of those specialists shall include, in addition to cooperating in ensuring a smooth transition and assisting police authorities, that of accompanying officers and members of the National Police in the performance of their duties.

Page 28; Chapter II: National Civil Police; 7. Transitional Regime; D. Personnel

d. [...] As part of the verification of the cessation of the armed conflict, ONUSAL shall check that applicants who identify themselves in this category have actually and irrevocably abandoned the armed struggle. All this shall be supervised and guaranteed by COPAZ.

Page 30; Chapter III: Judicial System; 2. Office of The National Counsel For The Defence of Human Rights

C. [...] In any event, the Parties agree to give top priority to the investigation of such cases, under ONUSAL verification.

Page 34; Chapter V: Economic And Social Questions; 3. Lands Within Conflict Zones; G. Verification by COPAZ

COPAZ shall guarantee fulfilment of the agreements set forth in sections 2 and 3.

Page 39; Chapter VI: Political Participation By FMLN

The following agreements have been reached concerning political participation by FMLN, and shall be subject to the implementation timetable contained in this Agreement:

[...]

9. Special security measures

Immediately after the signing of this Agreement, special security measures shall be taken to protect any FMLN leaders who may require such protection. The aforesaid measures, which may include their being accompanied by diplomatic personnel and also technical support from friendly Governments, shall offer all the facilities required for FMLN leaders to be able to organize their own security in accordance with the law. COPAZ shall supervise the arrangements agreed to herein and shall, if necessary, promote the adoption of the relevant legislative or other provisions to ensure that such security measures are fully effective and properly established. As part of its

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Mechanism)

responsibility for the security of FMLN leaders, the Government of El Salvador shall provide the necessary facilities for implementing the agreed arrangements. ONUSAL shall verify the adoption of the above measures.

Page 40-45; Chapter VII: Cessation of the Armed Conflict

3. The CAC consists of four elements, as defined herein:

[...]

(d) United Nations verification of all the above-mentioned activities.

The cease-fire

[...]

Separation of forces

[...]

United Nations Verification

[...]

Page 65; Annex F: Use of The Mass Media To Promote Reconciliation

For the purpose of assisting the process of detente and reconciliation:

[...]

D. ONUSAL shall verify fulfilment of these undertakings.

Page 66; Chapter VIII: United Nations Verification

1. The United Nations shall verify compliance with this Agreement and with the San José, Mexico City and New York Agreements of 26 July 1990, 27 April 1991 and 25 September 1991, respectively, with the cooperation of the Parties and of the authorities whose duty it is to enforce them.

2. The international cooperation referred to in this Agreement shall be coordinated by the United Nations and shall be subject to a formal application by the Government, compliance with official formalities and the appropriate consultations.

Page 4-6; ANNEX - Agreement on Human Rights, (26 July 1990); II. International Verification

10. In accordance with the provisions of the Geneva Agreement and the agenda for the negotiations which was adopted in Caracas, the Parties hereby agree to the terms of reference for the United Nations human rights verification mission (hereinafter referred to as "the Mission"), as set out below.

11. The Mission shall devote special attention to the observance of the rights to life, to the integrity and security of the person, to due process of law, to personal liberty, to freedom of expression and to freedom of association.

In this context, a special effort shall be made to clarify any situation which appears to reveal the systematic practice of human rights violations and, in such cases, to recommend appropriate measures for the elimination of the practice to the Party concerned. The foregoing shall be without prejudice to any powers granted to the Mission to consider individual cases.

12. A Director designated by the Secretary-General of the United Nations shall be in charge of the Mission. The Director shall work in close cooperation with existing human rights organizations and bodies in El Salvador. He shall also be assisted by expert advisers. In addition, the Mission shall include as many verification personnel as may be necessary.

13. The purpose of the Mission shall be to investigate the human rights situation in El Salvador as regards acts committed or situations existing as from the date of its establishment and to take any steps it deems appropriate to promote and defend such rights. Accordingly, it shall perform its functions with a view to promoting respect for human rights and their guarantee in El

Salvador and helping to do away with those situations in which such respect and guarantees are not duly observed.

14. The Mission's mandate shall include the following powers:

- a. To verify the observance of human rights in El Salvador;
- b. To receive communications from any individual, group of individuals or body in El Salvador, containing reports of human rights violations;
- c. To visit any place or establishment freely and without prior notice;
- d. To hold its meetings freely anywhere in the national territory;
- e. To interview freely and privately any individual, group of individuals or members of bodies or institutions;
- f. To collect by any means it deems appropriate such information as it considers relevant;
- g. To make recommendations to the Parties on the basis of any conclusions it has reached with respect to cases or situations it may have been called upon to consider;
- h. To offer its support to the judicial authorities of El Salvador in order to help improve the judicial procedures for the protection of human rights and increase respect for the rules of due process of law;
- i. To consult the Attorney-General of the Republic;
- j. To plan and carry out an educational and informational campaign on human rights and on the functions of the Mission itself;
- k. To use the media to the extent useful for the fulfilment of its mandate;
- l. To report regularly to the Secretary-General of the United Nations and through him to the General Assembly.

15. The Parties undertake to give their full support to the Mission. To that end, they pledge:

- a. To grant the Mission whatever facilities it may require for the performance of its functions;
- b. To ensure the security of the members of the Mission and of such persons as may have provided it with information, testimony or evidence of any kind;
- c. To provide, as expeditiously as possible, whatever information may be required by the Mission;
- d. To give their earliest consideration to any recommendations made to them by the Mission;
- e. Not to hinder the fulfilment of the Mission's mandate.

16. Each of the Parties shall appoint a delegate to serve as liaison with the Mission.

17. Should the Mission receive communications referring to acts or situations which occurred prior to its establishment, it may transmit them, if it deems it appropriate, to the competent authorities.

18. The fact that a case or situation has been considered by the Mission shall not preclude the application thereto of international procedures for the promotion and protection of human rights.

19. Subject to any arrangements which must be made prior to its establishment, the Mission shall take up its duties as of the cessation of the armed conflict. The Mission shall be established initially for one year and may be renewed.

<p>ia_pko Peacekeeping</p>	<p>Page 45; Chapter VII: Cessation of the Armed Conflict; United Nations verification</p> <p>30. The numbers of ONUSAL military and civilian personnel shall be increased to enable it to fulfil its tasks related to the agreed processes, as described in this Agreement.</p> <p>31. The Secretary-General shall request the Security Council to approve this increase in the mandate and personnel of ONUSAL. He shall also request the General Assembly to provide the necessary funding from the budget. The composition by country of the military component of ONUSAL and the appointment of the commander of its military division shall be decided by the Security Council on the recommendation of the Secretary-General, who shall first consult with the two parties. In order to fulfil its new tasks effectively, ONUSAL will require, as in the other aspects of its mandate, complete freedom of movement throughout the territory of El Salvador.</p> <p>32. To facilitate the application of this Agreement, a joint working group shall be set up immediately after the Agreement has been signed. The working group shall consist of the ONUSAL Chief Military Observer, as Chairman, and one representative from each of the parties. The members of the working group may be accompanied by the necessary advisers. The Chairman of the working group shall convene its meetings on his own initiative or at the request of either or both of the parties.</p>
<p>ia_adv International Assistance & Advice</p>	<p>Page 5; Chapter I: Armed Forces; 3. Purification</p> <p>B. [...] The selection of the three civilian members of the ad hoc Commission is the result of a process of consultations carried out by the Secretary-General of the United Nations, the outcome of which has already been communicated to both Parties. [...]</p> <p>Page 9; Chapter I: Armed Forces; 7. Intelligence Services</p> <p>F. The incorporation into the State Intelligence Agency of staff of the National Intelligence Department who so request shall be permitted only after rigorous evaluation of their past performance, abilities and capacity to adapt to the new doctrine. Such evaluation shall be made by the Director of the Agency, under the authority of the President of the Republic, with the support of international advisory services and United Nations verification.</p> <p>Page 17; Chapter II: National Civil Police; 3. Functional And Territorial Structure; B. Organs reporting to the Director-General; d. International legal advisory services</p> <p>International legal advisory services shall be staffed by suitable personnel and high-level specialists. They shall be coordinated by the United Nations and are envisaged as a transitional arrangement.</p> <p>Page 24; Chapter II: National Civil Police; 7. Transitional Regime; A. Organization</p> <p>e. In accordance with the provisions of the New York Agreement, the organization of the National Civil Police shall be determined, on the terms set forth in this Agreement, under close international cooperation and supervision, coordinated by the United Nations.</p> <p>Page 26-27; Chapter II: National Civil Police; 7. Transitional Regime; C. National Public Security Academy</p> <p>e. Admission shall be contingent on passing the entrance examination provided for in section 4 of this chapter, adapted to the criteria and procedures referred to in the New York Agreement. The examinations shall be prepared on the basis of exclusively technical criteria and the formation of the boards of</p>

examiners responsible for administering them must be such as to ensure the juries' absolute impartiality. To that end, where it is necessary to obtain additional technical resources because there are not enough suitable resources in the country, the support of experts shall be sought through the United Nations under the terms laid down in this Agreement, as indicated in the next paragraph of this section. COPAZ shall pay special attention to monitoring the fulfilment of this provision.

[...]

g. In those areas of study where there are not sufficient teachers in the country to meet the initial needs of the Academy, the support of experts shall be sought through the United Nations under the terms laid down in this Agreement, as indicated in the following paragraph.

h. For the purposes of the recruitment, selection, preparation and training of new personnel, the support of experts from countries which are able to provide the assistance required for the needs of this process shall be sought through the United Nations, under the terms laid down in this Agreement.

Page 31; Chapter V: Economic and Social Questions; 1. Preamble

In accordance with the New York Agreement, the issues covered by this instrument are: the agrarian problem, loans to the agricultural sector, measures required to alleviate the social cost of structural adjustment programmes, appropriate procedures for direct external cooperation designed to encourage community development and assistance projects, establishment of a forum for economic and social consultation and the National Reconstruction Plan. [...]

Page 32; Chapter V: Economic and Social Questions; 2. The Agrarian Problem; E. Payments for land

The lands referred to in the preceding sections shall be transferred at market prices and on the same credit terms as are granted to beneficiaries of the reformed sector. At the same time, a system of payments may be established on the basis of a fixed price and long-term financing at low fixed interest rates not subject to interest capitalization. Domestic credit shall be supplemented with financing from international cooperation, for which a special fund, financed from external resources, shall be established for the purchase of land.

Page 35; Chapter V: Economic and Social Questions; 5. Loans To The Agricultural Sector And To Micro- And Small-Scale Enterprise; D. International cooperation for the agricultural sector

Given the increase in the demand for agricultural credit that will follow the signing of the Peace Agreement, the Government of El Salvador undertakes to seek additional external resources to cover the new needs of the sector. In this connection, the Government shall seek external financial resources to increase the operations of the Agricultural Guarantee Fund as a mechanism for facilitating lending to small- and medium-sized farmers and their cooperatives, without adversely affecting the financial health of lending institutions.

Page 36; Chapter V: Economic and Social Questions; 7. Procedures For Direct External Cooperation For Community Development And Assistance Projects

The Government of El Salvador shall facilitate private direct external cooperation for community development and assistance projects, provided that assistance is channelled in accordance with foreign exchange and lending regulations. Official direct external cooperation may also be approved, subject to the provision of the requisite information on the purposes of such cooperation.

The Government shall grant legal and institutional facilities to private sources of direct external cooperation benefitting communities, social organizations and national non-governmental organizations: it shall not discriminate among

the latter, provided that it is ascertained that they are engaged in or wish to engage in integrated development projects. Former combatants of both Parties shall have access to external cooperation funds.

Page 38; Chapter V: Economic and Social Questions; 9. National Reconstruction Plan

[...]

Given the magnitude of the additional resources that will be required for the implementation of the Plan, both Parties appeal to the international community to lend its fullest support to the fund-raising effort. To this end, a national reconstruction fund shall be established, to be supported by the United Nations Development Programme.

The role of UNDP shall include advising the Government on all matters relating to the mobilization of external support, assisting in the preparation of projects and programmes likely to attract such support, facilitating approaches to official bilateral and multilateral agencies, mobilizing technical assistance and cooperating with the Government in harmonizing the Plan with the activities of non-governmental organizations involved in local and regional development activities.

Page 64; Annex E: Restoration of Public Administration In Conflict Zones

With the entry into force of the cease-fire, public administration shall gradually be restored in conflict zones, in accordance with the following principles:

[...]

B. Mayors who, because of the armed conflict, have performed their functions on an itinerant basis shall take up residence in their respective municipalities as soon as possible, in close consultation with ONUSAL, in order to strengthen the process of detente and reconciliation.

C. [...] Accordingly:

(a) The administration of justice shall be re-established as soon as possible, in close consultation with ONUSAL, in order to strengthen the process of detente and reconciliation.

PACTE NATIONAL CONCLU ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE DU MALI ET LES MOUVEMENTS ET FRONTS UNIFIÉS DE L'AZAWAD CONSACRANT LE STATUT PARTICULIER DU NORD AU MALI

Page 291-97; TITRE III: STATUT PARTICULIER DU NORD DU MALI

Conscientes de l'importance de l'organisation de la gestion des affaires des populations dans le cadre du règlement pacifique et définitif du conflit armé dans le Nord du Mali, les deux Parties ont convenu du statut particulier suivant pour le Nord du Mali.

Dans ce même esprit de prise en charge des affaires inter-régionales, régionales et locales par les populations et en vue de les en rapprocher, le principe d'un redécoupage administratif portant sur chaque niveau d'organisation territoriale du Nord du Mali est convenu entre les deux Parties. Ce redécoupage sera proposé par les instances locales appropriées et consacré par la Loi.

15. Ce statut définit et consacre les compétences des assemblées locales, régionales et inter-régionales.

Ces assemblées élues sont compétentes pour:

A - Organiser leur vie communautaire urbaine et rurale;

B - Définir et promouvoir le programme de développement économique, social, culturel qu'elles désirent. De tels programmes globaux ou spécifiques, locaux ou régionaux, couvriront des secteurs et des activités telles que l'agriculture, l'élevage, l'hydraulique, l'urbanisme, l'habitat, la préservation de l'écosystème, l'industrie, le transport, la communication, la santé, l'éducation, la culture, le tourisme, la recherche et la promotion des langues locales, l'artisanat, l'aménagement et la protection des sites historiques, la gestion du patrimoine foncier et l'incitation à l'exploration et à l'exploitation des ressources naturelles;

C - Assurer elles-mêmes à travers leurs élus, le contrôle des forces et des activités de maintien de l'ordre au niveau local et régional;

D - Participer pleinement et efficacement, à la sécurité de leur région et à la défense du territoire national, laquelle est un devoir national;

E - Assurer la concertation, la coopération et la coordination de leurs actions et de leurs instances de représentation tant au plan horizontal que vertical, entre les différentes collectivités de chaque niveau d'organisation, et entre les différents niveaux d'organisation de la collectivité de base jusqu'au niveau inter-régional commun à tout le Nord du Mali;

F - Organiser et animer les échanges et les actions de complémentarité entre les collectivités locales et régionales du Nord et celles des autres régions du Mali;

G - Organiser tout échange d'expérience et d'assistance avec des populations de localités ou de régions d'autres pays, et ce, par le biais de jumelage entre des localités et régions du Nord du Mali d'une part et des instances similaires d'autres pays d'autre part, ainsi que par le biais de la coordination des échanges et des initiatives entre régions voisines dans le cadre transfrontalier, de même que de susciter l'assistance des Organisations non gouvernementales (ONG) de développement et d'en bénéficier, conformément aux accords cadres en la matière.

16. À cet égard, les collectivités locales, régionales et inter-régionales sont:

- L'assemblée inter-régionale,
- La région,
- La commune, l'arrondissement et le cercle.

17. Au niveau de ces collectivités se retrouveront:

- Une assemblée élue,
- Un exécutif désigné au sein de l'instance élue de la commune,
- De l'arrondissement, du cercle et de la région,
- Un représentant de l'État siégeant au niveau de la région,
- Par ailleurs, l'assemblée inter-régionale sera dotée d'un secrétariat permanent.

CHAPITRE I: AU NIVEAU INTER-RÉGIONAL

18. Dans le respect de l'unité de l'État et de la Nation du Mali, et dans le but de favoriser une politique de développement dans une partie du territoire

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Political Power-sharing

national partageant une très forte similitude de paramètres géographiques, climatiques, socio-économiques et culturels, au profit des populations concernées et au bénéfice de la République du Mali, il sera institué une assemblée inter-régionale au niveau des régions du Nord du Mali.

19. L'adhésion des régions du Nord du Mali à cette assemblée inter-régionale se fera sur une base volontaire.

20. L'assemblée inter-régionale sera élue par les assemblées des régions y adhérentes pour un mandat de 5 ans. Chaque région adhérente y disposera de 5 sièges. L'assemblée inter-régionale élira son Président.

21. L'assemblée inter-régionale sera dotée d'un secrétariat permanent. Les agents du secrétariat permanent et le Secrétaire général seront rémunérés par l'État.

22. L'assemblée inter-régionale sera dotée d'un budget annuel de fonctionnement dégagé par les régions associées et complété par l'État.

23. L'assemblée inter-régionale aura compétence pour:

A - Élaborer tout programme de développement ou d'activité socio-économique et culturelle à vocation inter-régionale;

B - Coordonner toute activité ou projet d'intérêt mutuel pour les régions associées ;

C - Faire aboutir en concertation avec le Gouvernement, sur la base de la volonté des régions et des collectivités locales de celles-ci, toute suggestion de redécoupage régional;

D - proposer au Gouvernement toute action ou projet d'animation ou de développement dépassant les limites de la région;

E - Faire aboutir en concertation avec les instances nationales concernées et veiller à son exécution, tout projet relevant des domaines de la formation, de la santé et de la culture à dimension commune à toutes les régions concernées et de nature à améliorer la satisfaction des besoins des populations (exemple: facultés, hôpital universitaire, annexe de radio ou de télévision à vocation inter-régionale...);

F - Participer en consultation avec les instances nationales concernées à toute élaboration de programme concernant les régions membres de l'assemblée inter-régionale, en matière de défense nationale, de défense civile, et de lutte contre les calamités et catastrophes naturelles;

G - Contribuer à l'animation et à la promotion du développement trans-frontalier avec les pays voisins.

CHAPITRE II: AU NIVEAU RÉGIONAL

24. Chacune des régions du Nord du Mali sera dotée d'une assemblée démocratiquement élue par les populations locales. Cette assemblée sera élue au suffrage indirect pour un mandat de cinq années. Elle sera composée d'un nombre de sièges correspondant à un nombre de circonscriptions électorales à définir en relation avec la densité démographique et l'étendue géographique, avec au minimum un élu par cercle.

25. L'assemblée élira son bureau et son Président.

26. Le bureau de l'assemblée désignera le Chef de l'exécutif régional responsable devant l'assemblée. Il sera assisté d'un Secrétaire Général nommé par lui.

27. Un représentant de l'État auprès de la région sera nommé par le Gouvernement. En sa qualité de représentant du Gouvernement, il veillera, en relation avec le Président de l'assemblée régionale, à la conformité des décisions de l'assemblée de la région avec la législation et la réglementation nationales.

28. Les élus de la région jouiront de l'immunité dans l'exercice de leurs fonctions. Ils percevront une indemnité versée par l'État.

29. L'exécutif régional sera assisté de cadres représentant les différents services déconcentrés de l'État étoffant l'administration de la région. Dans le respect de l'unicité de l'administration nationale, une priorité particulière sera réservée aux ressortissants de la région dans le recrutement.

30. L'assemblée de la région est compétente pour:

A - Entreprendre toute action de nature à assurer le développement de la région;

B - Promouvoir l'investissement dans la région;

C - Donner son avis motivé dans le cadre du programme national de développement;

D - Gérer, à travers l'Exécutif, les crédits affectés par le Gouvernement de la région;

E - Définir, conduire et exécuter le programme d'équipement de la région et veiller à son application;

F - Définir et promouvoir une politique de développement rural notamment dans les domaines fonciers, de l'habitat, de la lutte contre la désertification, de l'hydraulique, de l'élevage et de la préservation de l'écosystème;

G - Encourager et promouvoir le développement industriel et artisanal de la région, notamment par la création de zones industrielles, la création ou l'exploitation d'unités artisanales locales ou de toutes unités de nature à satisfaire les besoins locaux;

H - Prendre toute mesure nécessaire pour la promotion du tourisme et le développement des transports;

I - Concourir au développement social et culturel de la région par :

* La promotion d'une politique sanitaire et éducative harmonieuse au niveau de la région,

* Des propositions d'actions au Gouvernement,

* La promotion locale des activités sociales et culturelles à même de favoriser l'épanouissement du patrimoine culturel de la région, d'assurer sa diffusion à travers le pays et d'assurer la diffusion des autres variétés du patrimoine national au niveau de la région. À cet égard, toutes possibilités de création d'annexes de radio ou de télévision sera concrétisée;

J - Favoriser la coordination des efforts et actions entre les collectivités locales à l'intérieur du pays et, entre celles-ci et leurs homologues de l'étranger;

K - Étudier et proposer en concertation avec les instances de base tout programme de redécoupage des collectivités locales au niveau de la région.

31. À travers son Président, l'assemblée de la région veillera à dégager auprès de l'État les effectifs régionaux suffisants des corps de sécurité intérieure. Elle exercera un pouvoir de contrôle des forces de police et de maintien de l'ordre civil au niveau régional.

32. Dans le respect de la souveraineté nationale et des engagements de l'État, l'assemblée de la région a compétence pour promouvoir une politique de développement transfrontalier et un programme de coopération et d'échanges avec des institutions similaires de pays voisins.

33. L'assemblée de la région vote le budget de la région. Celui-ci est alimenté par les recettes de la fiscalité locale, par les dotations annuelles ou spéciales versées par l'État ainsi que par les dons et legs.

Elle vote également les emprunts au niveau national décrétés par la région pour soutenir le développement régional.

CHAPITRE III: AU NIVEAU LOCAL

34. Dans le but de rapprocher les populations de la gestion de leurs affaires locales, les communes, arrondissements et cercles seront dotés d'une organisation similaire à celle de la région, à savoir:

– Un Conseil élu pour cinq ans, dont le nombre de sièges sera déterminé en relation avec la densité de la population, et tenant compte des espaces géographiques. Chaque conseil élira son Président et son Bureau. Il désignera un Exécutif local responsable devant le conseil;

– Le Secrétaire Général de la collectivité locale nommé par le Président, veillera à la conformité des décisions du conseil avec la loi et la réglementation nationales.

35. Au niveau de leur circonscription, les conseils de cercles, d'arrondissements et des communes exerceront des compétences similaires à celles dévolues à l'assemblée régionale.

36. Le budget de la commune, de l'arrondissement et du cercle sera voté par son conseil. Il sera alimenté par des recettes locales et par des dotations octroyées par la région sur la base des crédits alloués par l'État ainsi que par des dons et legs.

37. Cette politique de rapprochement du citoyen de la gestion de ses affaires locales sera consolidée par un programme de renforcement du réseau des communes urbaines et rurales dans le Nord du Mali. Le nouveau découpage communal sera le fruit d'études et de propositions qui seront conduites et élaborées par chacune des régions en consultation avec ses échelons inférieurs (cercle, arrondissement, commune), propositions qui seront soumises à l'échelon national concerné pour leur concrétisation.

38. Additionnellement à ces structures civiques élues, tout syndicat d'initiative ou toute association professionnelle locale, régionale et inter-régionale est autorisée à travers le Nord du Mali, dans le cadre du respect de la loi et de la réglementation nationales.

39. Les communes, arrondissements et cercles susciteront des programmes d'échanges ou de complémentarités avec des instances similaires des autres régions du Mali.

40. Les cercles, arrondissements et communes sont habilités à promouvoir des actions de coopération et d'échange avec des instances similaires d'autres pays.

CHAPITRE IV: DE LA MISE EN ŒUVRE DU PRÉSENT STATUT

43. Nonobstant la participation des régions au Haut Conseil des Collectivités prévu au titre XII de la Constitution de la République du Mali, il sera créé un poste de Commissaire pour le Nord du Mali auprès du Chef de l'État pour une durée de cinq ans renouvelables, chargé d'animer la mise en œuvre du présent Pacte.

Page 299-300; TITRE IV: DE LA CONSÉCRATION, DE LA SOLIDARITÉ ET DE L'UNITÉ NATIONALES DANS LE NORD DU MALI; SOUS-TITRE B: MESURES DE CONSÉCRATION DE L'UNITÉ NATIONALE

53. Par ailleurs, et dans le même esprit, le Gouvernement fera un effort qui, tout en tenant compte des qualifications requises, visera à une intégration de cadres des Mouvements et de personnes des populations du Nord du Mali dans les différentes instances de l'Administration publique et parapublique. Cette mesure qui sera exécutée dans les deux mois suivant la signature du Pacte vise également à la consolidation de l'esprit de réconciliation et de confiance et tend aussi à assurer une présence équitable des populations de chaque région du pays dans l'appareil de l'État.

54. Afin d'assurer la plénitude de leur représentation au sein de l'Assemblée Nationale, et dans le but d'y assurer une réelle participation des populations du Nord, y compris des personnes déplacées du fait du conflit, il sera créé à titre exceptionnel pendant la première législature, un total de 04 sièges que pourvoiront les populations du Nord du Mali déplacées.
[...]

56. Par ailleurs, et à ces sièges susmentionnés, s'ajouteraient un ou deux sièges qui assureraient la représentation complémentaire des populations maliennes, essentiellement du Nord, installées à l'étranger, et ce, dans le cadre des sièges à l'Assemblée nationale prévus pour les Maliens de l'extérieur et qui seront dotés lors d'élections partielles.

Page 302-3; TITRE VI: DU CALENDRIER DE MISE EN ŒUVRE DES DISPOSITIONS DU PACTE DE RÉCONCILIATION NATIONALE

70. Cent trente jours après la signature du Pacte, soit dix jours après le parachèvement du programme de rapatriement, seront organisées les élections partielles aux sièges de l'Assemblée Nationale créés à titre ad hoc pour la première législature en faveur des populations du Nord du Mali déplacées.
[...]

72. Trois mois après la signature du présent Pacte, les instances législatives et exécutives concernées entament la préparation des mesures nécessaires à la création des assemblées et des mécanismes propres aux communes, cercles, arrondissements, régions et assemblée inter-régionale.

	<p>Ces mesures seront élaborées dans le respect des dispositions irréversibles du présent Pacte. Elles seront préparées en étroite collaboration avec la Commission de Suivi et le Commissaire pour le Nord du Mali.</p> <p>73. Six mois après la signature du présent Pacte, seront organisées les élections des assemblées des communes, arrondissements, cercles et régions.</p> <p>L'assemblée inter-régionale sera constituée un mois après l'élection des assemblées régionales.</p> <p>L'installation des Exécutifs et Secrétariat permanent y afférent, tel qu'énoncé au titre V du présent Pacte, interviendra dans le mois suivant leur constitution respective.</p>
<p>ps_eco</p> <p>Economic Power-sharing</p>	
<p>ps_mil</p> <p>Military Power-sharing</p>	<p>Page 285, 287-88; TITRE II: DE L'ARRÊT DÉFINITIF DES HOSTILITÉS ET DU RÈGLEMENT DES QUESTIONS DÉCOULANT DE LA SITUATION DE CONFLIT ARMÉ</p> <p>7. Dans les soixante jours suivant la signature du pacte, il sera mis en exécution un programme portant sur les mesures concomitantes ci-après:</p> <p>A - Dans le cadre des mesures de restauration de la confiance, de l'élimination des facteurs d'insécurité et d'instauration d'une sécurité définitive, il sera:</p> <ul style="list-style-type: none"> - procédé à l'intégration totale, sur une base individuelle et volontaire et selon les critères de compétence, des combattants des Mouvements et Fronts Unifiés de l'Azawad (MFUA) dans les différents corps en uniforme de l'État, - mis sur pied, pour une année, des unités spéciales des forces armées composées majoritairement des combattants intégrés des Mouvements et Fronts Unifiés de l'Azawad, - institué un corps de sécurité intérieure (Gendarmerie nationale, Garde-Goum, Police) comprenant toutes les composantes des populations locales, y compris des combattants des Mouvements et Fronts Unifiés de l'Azawad, mis à la disposition des Autorités locales dans le cadre de leurs pouvoirs de police, - créé des unités spéciales de l'Armée largement ouvertes à toutes les composantes des populations locales, dont la mission se limitera à la préservation de l'intégrité et de la sécurité extérieure du territoire national. <p>9. [...]</p> <p>A - Dans le cadre des mesures de restauration de la confiance, de l'élimination des facteurs d'insécurité et d'instauration d'une sécurité définitive, il sera:</p> <ul style="list-style-type: none"> - procédé à l'intégration totale, sur une base individuelle et volontaire et selon les critères de compétence, des combattants des Mouvements et Fronts Unifiés de l'Azawad (MFUA) dans les différents corps en uniformes de l'État, - mis sur pied, pour une année, des unités spéciales des forces armées composées majoritairement des combattants intégrés des Mouvements et Fronts Unifiés de l'Azawad, - institué un corps de sécurité intérieure (Gendarmerie nationale, Garde, Goum, Police) comprenant toutes les composantes des populations locales, y compris des combattants des Mouvements et Fronts Unifiés de l'Azawad, mis à la disposition des autorités locales dans le cadre de leurs pouvoirs de police, - créé des unités spéciales de l'Armée largement ouverte à toutes les composantes des populations locales, dont la mission se limitera à la préservation de l'intégrité et de la sécurité extérieure du territoire national. <p>[...]</p> <p>Page 299; TITRE IV: DE LA CONSÉCRATION, DE LA SOLIDARITÉ ET DE L'UNITÉ NATIONALES DANS LE NORD DU MALI; SOUS-TITRE B: MESURES DE CONSÉCRATION DE L'UNITÉ NATIONALE</p> <p>52. Tout en tenant compte des qualifications minimales nécessaires, le Gouvernement fera un effort particulier pour assurer l'intégration à titre spécial de cadres des Mouvements et de personnes des populations du Nord du Mali</p>

		<p>dans les instances centrales de l'état-major de la Défense Nationale et des autres corps de sécurité.</p> <p>Cette mesure qui sera exécutée dans les deux mois suivant la signature du Pacte est de nature à consolider la confiance et à associer une partie importante du peuple malien à la tâche de défense nationale.</p> <p>Page 303; TITRE VI: DU CALENDRIER DE MISE EN ŒUVRE DES DISPOSITIONS DU PACTE DE RÉCONCILIATION NATIONALE</p> <p>75. Six mois après la signature du présent Pacte : A - Seront créées les unités spéciales de l'Armée largement ouvertes à toutes les composantes des populations locales, dont la mission se limitera à la préservation de l'intégrité et de la sécurité extérieure du territoire national et qui font l'objet du dernier alinéa du paragraphe 7. A ci-dessus; [...]</p>
tj_amn	Amnesty	
tj_pri	Prisoner Release	
tj_hum	Human Rights	<p>Page 284; [Untitled preamble]</p> <p>[...] – Soulignant les dispositions de la Constitution de la République du Mali par lesquelles elle souscrit à la Déclaration Universelle des Droits de l'Homme du 10 décembre 1948 et à la Charte Africaine des Droits de l'Homme et des Peuples du 27 juin 1981 et, proclamant sa détermination à défendre les droits de la femme et de l'enfant ainsi que la diversité culturelle et linguistique de la Communauté nationale; [...]</p>
tj_min	Indigenous & Minority Rights	
tj_wom	Women's Rights & Gender Issues	<p>Page 284; [Untitled preamble]</p> <p>– Soulignant les dispositions de la Constitution de la République du Mali par lesquelles elle souscrit à la Déclaration Universelle des Droits de l'Homme du 10 décembre 1948 et à la Charte Africaine des Droits de l'Homme et des Peuples du 27 juin 1981 et, proclamant sa détermination à défendre les droits de la femme et de l'enfant ainsi que la diversité culturelle et linguistique de la Communauté nationale; [...]</p>
tj_civ	Civil & Political Rights	

tj_esc

Economic, Social &
Cultural Rights

Page 288-90; TITRE II: DE L'ARRÊT DÉFINITIF DES HOSTILITÉS ET DU RÉGLEMENT DES QUESTIONS DÉCOULANT DE LA SITUATION DE CONFLIT ARMÉ

11. La réinsertion des populations déplacées et l'assistance aux victimes de toutes les conséquences du conflit armé du Nord Mali donneront lieu à la création de deux Fonds:

[...]

– Un Fonds d'Assistance et d'Indemnisation aux victimes civiles et militaires des deux parties et à leurs ayants droits de toutes les conséquences du conflit armé. Ce Fonds servira en priorité à indemniser les victimes à l'issue des travaux de la Commission d'Enquête Indépendante.

– Un mécanisme permanent d'assistance aux victimes militaires des deux parties et à leurs ayants droit sera institué.

13. La Commission Indépendante d'Enquête oeuvrera selon les dispositions arrêtées entre les deux Parties et qui se lisent comme suit:

MANDAT DE LA COMMISSION:

La Commission Indépendante d'Enquête aura pour mission d'enquêter sur tous les événements qui ont eu lieu au Mali en relation avec les problèmes du Nord, à savoir: les crimes perpétrés contre les populations civiles dans leurs personnes physiques et morales ainsi que contre leurs biens, les atteintes à l'environnement et les destructions de bétail, les vols, pillages ainsi que tout acte de vandalisme et de spoliation. La Commission oeuvrera à définir les responsabilités de ces actes, leurs conséquences, à évaluer les dommages et les réparations dues aux victimes.

[...]

tj_vic

Victims &
Reparations

Page 298; TITRE IV: DE LA CONSÉCRATION, DE LA SOLIDARITÉ ET DE L'UNITÉ NATIONALES DANS LE NORD DU MALI; SOUS-TITRE: A MESURES DE CONSÉCRATION DE LA SOLIDARITÉ NATIONALE

44. Tel que mentionné au paragraphe 11 titre II, la réinsertion des populations déplacées et l'assistance aux victimes de toutes les conséquences du conflit armé du Nord du Mali donneront lieu à la création de deux Fonds:

[...]

- un Fonds d'assistance et d'indemnisation aux victimes de toutes les conséquences du conflit armé.

Page 302-03; TITRE VI: DU CALENDRIER DE MISE EN OEUVRE DES DISPOSITIONS DU PACTE DE RÉCONCILIATION NATIONALE

68. Dans les 30 jours suivant la signature du Pacte, seront créés et approvisionnés le Fonds de développement et de réinsertion des populations déplacées et le Fonds d'assistance et d'indemnisation aux victimes de toutes les conséquences du conflit armé.

74. Dans l'intervalle entre la signature du présent Pacte et l'entrée en fonction des nouvelles institutions locales dans le Nord du Mali, la Commission de Suivi veillera, en collaboration avec le Commissaire pour le Nord, au respect des dispositions du présent Pacte, notamment en matière de sécurité des populations et du territoire dans le Nord du Mali, de réinsertion des personnes déplacées, d'aide aux victimes et de préparation des mesures prévues par le Pacte.

Page 286; TITRE II: DE L'ARRÊT DÉFINITIF DES HOSTILITÉS ET DU RÈGLEMENT DES QUESTIONS DÉCOULANT DE LA SITUATION DE CONFLIT ARMÉ

7. Dans les soixante jours suivant la signature du pacte, il sera mis en exécution un programme portant sur les mesures concomitantes ci-après:

A - Dans le cadre des mesures de restauration de la confiance, de l'élimination des facteurs d'insécurité et d'instauration d'une sécurité définitive, il sera:

[...]

La sécurité et l'intégrité physique des combattants et des membres réintégrés des Mouvements et Fronts ainsi que celles des populations déplacées rapatriées seront totalement garanties;

Page 287-89; TITRE II: DE L'ARRÊT DÉFINITIF DES HOSTILITÉS ET DU RÈGLEMENT DES QUESTIONS DÉCOULANT DE LA SITUATION DE CONFLIT ARMÉ

9. Un programme de rapatriement des personnes déplacées sera préparé à partir de la signature du présent pacte. La mise en œuvre de ce programme sera entamée 60 jours après la signature, soit à la fin de l'exécution des dispositions relatives au cessez-le-feu énoncées au paragraphe 7 ci-dessus qui se lit comme suit:

[...]

10. Le programme de rapatriement sera conduit en collaboration, par le Gouvernement et les Mouvements et en coopération avec les autorités des pays d'accueil, ainsi qu'avec les pays amis et les organisations humanitaires internationales qui seront sollicités à cet effet.

11. La réinsertion des populations déplacées et l'assistance aux victimes de toutes les conséquences du conflit armé du Nord Mali donneront lieu à la création de deux Fonds:

– Un Fonds de Développement et de Réinsertion devant favoriser la création de Petites et Moyennes Industries (PMI) et de Petites et Moyennes Entreprises (PME) et l'insertion des populations déplacées dans le circuit de production, [...]

Page 298; TITRE IV: DE LA CONSÉCRATION, DE LA SOLIDARITÉ ET DE L'UNITÉ NATIONALES DANS LE NORD DU MALI; SOUS-TITRE: A MESURES DE CONSÉCRATION DE LA SOLIDARITÉ NATIONALE

44. Tel que mentionné au paragraphe 11 titre II, la réinsertion des populations déplacées et l'assistance aux victimes de toutes les conséquences du conflit armé du Nord du Mali donneront lieu à la création de deux Fonds:

[...]

Page 300; TITRE IV: DE LA CONSÉCRATION, DE LA SOLIDARITÉ ET DE L'UNITÉ NATIONALES DANS LE NORD DU MALI; SOUS-TITRE B: MESURES DE CONSÉCRATION DE L'UNITÉ NATIONALE

54. Afin d'assurer la plénitude de leur représentation au sein de l'Assemblée nationale et dans le but d'y assurer une réelle participation des populations du Nord, y compris des personnes déplacées du fait du conflit, il sera créé à titre exceptionnel pendant la première législature, un total de 4 sièges que pourvoiront les populations déplacées du Nord du Mali.

55. Ces sièges seront pourvus par le biais d'élections qui seront organisées à l'issue du programme de rapatriement des personnes déplacées et pas plus tard que 130 jours après la signature du présent Pacte.

Page 301; TITRE V: LA COOPÉRATION SOUS-RÉGIONALE ET INTERNATIONALE AU SERVICE DE LA PAIX ET DU DÉVELOPPEMENT

tj_ref

Refugees &
Internally Displaced
Persons

61. Enfin, l'État du Mali sollicitera des pays amis pour concourir, dans le cadre de la coopération intergouvernementale, à la formation ou au recyclage des jeunes issus des populations déplacées du Nord du Mali qui soit n'ont pu avoir accès à une formation soit ont été contraints de l'arrêter ou soit l'ont reçu à l'étranger.

Page 302; TITRE VI: DU CALENDRIER DE MISE EN ŒUVRE DES DISPOSITIONS DU PACTE DE RÉCONCILIATION NATIONALE

68. Dans les 30 jours suivant la signature du Pacte, seront créés et approvisionnés le Fonds de développement et de réinsertion des Populations déplacées et le Fonds d'assistance et d'indemnisation aux victimes de toutes les conséquences du conflit armé.

69. Soixante jours après la signature du Pacte sera lancé avec l'aide des pays hôtes ainsi que des pays amis et des Organisations internationales humanitaires et en coordination entre l'État et les Mouvements, le programme de rapatriement volontaire des populations du Nord déplacées dans les pays de la sous-région. Ce programme sera parachevé dans un délai de soixante jours avec l'assistance à la réinsertion octroyée par les Fonds visés au paragraphe 68 ci-dessus.

Page 303; TITRE VI: DU CALENDRIER DE MISE EN ŒUVRE DES DISPOSITIONS DU PACTE DE RÉCONCILIATION NATIONALE

74. Dans l'intervalle entre la signature du présent Pacte et l'entrée en fonction des nouvelles institutions locales dans le Nord du Mali, la Commission de Suivi veillera, en collaboration avec le Commissaire pour le Nord, au respect des dispositions du présent Pacte, notamment en matière de sécurité des populations et du territoire dans le Nord du Mali, de réinsertion des personnes déplacées, d'aide aux victimes et de préparation des mesures prévues par le Pacte.

Page 289-91; TITRE II: DE L'ARRÊT DÉFINITIF DES HOSTILITÉS ET DU RÉGLEMENT DES QUESTIONS DÉCOULANT DE LA SITUATION DE CONFLIT ARME

11. Conformément à la décision arrêtée entre les deux Parties lors de la Conférence de Mopti en décembre 1991, concrétisée lors de leur rencontre à Alger en janvier 1992 et réitérée lors de leur rencontre de mars, la Commission d'Enquête Indépendante sera installée à Mopti 15 jours après la signature du Pacte.

12. Dans le cas où les deux Parties n'auront pu régler dans le délai mentionné au paragraphe ci-dessus la question de la composition totale de la Commission d'Enquête Indépendante, la Commission du Suivi du Pacte - prévue par le présent Document- réunie sous la présidence du Médiateur, à la fin du premier mois suivant la signature de ce Pacte, sera saisie de la question et dégagera les voies et moyens de dépasser cette entrave pour permettre le fonctionnement de la Commission d'Enquête Indépendante dans les termes convenus entre les deux Parties et rappelés au paragraphe ci-dessous.

13. La Commission Indépendante d'Enquête oeuvrera selon les dispositions arrêtées entre les deux Parties et qui se lisent comme suit:

MANDAT DE LA COMMISSION

La Commission Indépendante d'Enquête aura pour mission d'enquêter sur tous les événements qui ont eu lieu au Mali en relation avec les problèmes du Nord, à savoir : les crimes perpétrés contre les populations civiles dans leurs personnes physiques et morales ainsi que contre leurs biens, les atteintes à l'environnement et les destructions de bétail, les vols, pillages ainsi que tout acte de vandalisme et de spoliation. La Commission oeuvrera à définir les responsabilités de ces actes, leurs conséquences, à évaluer les dommages et les réparations dues aux victimes.

ORGANISATION DE LA COMMISSION

tj_tru

Truth &
Reconciliation
Commission

A- La Commission sera composée comme suit:

- cinq (5) représentants du Gouvernement de la République du Mali,
- cinq (5) représentants des Mouvements et Fronts Unifiés de l'Azawad,
- un maximum de sept (7) et un minimum de cinq (5) experts indépendants choisis d'un commun accord par les deux Parties, à raison d'un expert par nationalité dans les pays suivants : Algérie, Burkina Faso, France, Libye, Mauritanie, Niger, Sénégal.

B - Les deux Parties arrêteront la liste nominative des membres de cette commission lors de leur prochaine rencontre.

C - La Commission sera présidée par un expert indépendant élu par ses pairs.

D - La Commission débutera ses travaux au plus tard trois semaines après son installation.

E - Les frais de fonctionnement de la Commission seront pris en charge par le Gouvernement de la République du Mali. Ce dernier s'attachera également à faciliter la tâche de la Commission par son plein concours matériel et administratif.

Les deux Parties s'engagent à réunir les conditions de sécurité nécessaires au bon fonctionnement de la Commission.

FONCTIONNEMENT DE LA COMMISSION

A- La Commission exécutera son mandat en toute indépendance et d'une manière impartiale.

B - L'immunité sera accordée aux membres de la Commission.

C - La Commission statuera à la majorité simple, la voix de son président départageant l'égalité des voix.

D - La Commission établira son propre règlement intérieur et organisera ses travaux.

E - La Commission rendra ses conclusions dans les trois mois suivant la date de son démarrage. En cas de besoin, ce délai peut être prolongé d'un commun accord entre les deux Parties et sur demande de la Commission.

F - Les délibérations de la Commission et son rapport seront placés sous le sceau confidentiel.

G - Le rapport de la Commission sera adressé au Président de la République du Mali de même qu'il devra être adressé pour ampliation aux Mouvements et Fronts Unifiés de l'Azawad et au Médiateur.

MISE EN ŒUVRE DES CONCLUSIONS DE LA COMMISSION

A- Les deux Parties s'engagent à respecter les décisions et recommandations de la Commission.

B - L'État du Mali s'engage à saisir les instances appropriées judiciaires et autres qui mettront en exécution les décisions et recommandations de la Commission dans un délai maximum de quarante-cinq (45) jours après la date de remise du rapport de celle-ci au Président de la République du Mali.

Page 301; TITRE VI: DU CALENDRIER DE MISE EN OEUVRE DES DISPOSITIONS DU PACTE DE RÉCONCILIATION NATIONALE

66. La Commission Indépendante d'Enquête sera installée 15 jours après la signature de l'Accord. Elle déposera comme convenu ses conclusions 04 mois au maximum après son installation. Les instances appropriées judiciaires et autres seront saisies de ses conclusions 45 jours après remise du rapport au Chef de l'État. En cas de retard dans la finalisation de la composition de cette Commission, les dispositions visées au paragraphe 13 du présent Pacte seront mises en oeuvre pour permettre le démarrage de la Commission Indépendante d'Enquête.

<p>tj_rec</p> <p>Reconciliation</p>	<p>Page 284; TITRE I: PRINCIPES DIRECTEURS DU PACTE</p> <p>1. Le présent Pacte est le cadre dans lequel seront restaurées la paix juste et définitive dans le Nord du Mali et la réconciliation nationale entre tous les Maliens.</p> <p>Page 299; TITRE IV: DE LA CONSÉCRATION DE LA SOLIDARITÉ ET DE L'UNITÉ NATIONALES DANS LE NORD DU MALI; SOUS-TITRE B: MESURES DE CONSÉCRATION DE L'UNITÉ NATIONALE</p> <p>53. Par ailleurs, et dans le même esprit, le Gouvernement fera un effort qui, tout en tenant compte des qualifications requises, visera à une intégration de cadres des Mouvements et de personnes des populations du Nord du Mali dans les différentes instances de l'Administration publique et parapublique. Cette mesure qui sera exécutée dans les deux mois suivant le signature du Pacte vise également à la consolidation de l'esprit de réconciliation et de confiance et tend aussi à assurer une présence équitable des populations de chaque Région du pays dans l'appareil de l'État.</p> <p>Page 300; Page TITRE V: LA COOPÉRATION SOUS-RÉGIONALE ET INTERNATIONALE AU SERVICE DE LA PAIX ET DU DÉVELOPPEMENT</p> <p>58. Convaincu que la solidarité et l'unité nationales trouvent leur prolongement naturel dans la solidarité et l'unité africaines, le Gouvernement de la République du Mali a réitéré sa détermination à soutenir son action de réconciliation et de paix nationales par un effort pour la promotion de la coopération et du développement sous-régionaux.</p> <p>Page 304; TITRE VII: DE LA GARANTIE DE LA MISE EN OEUVRE DU PACTE</p> <p>77. La Partie Gouvernementale a rappelé que la Constitution de la République du Mali en date du 12 janvier 1992 consacre la volonté du peuple malien de sceller la réconciliation et la concorde nationale entre tous les fils du Mali.</p>
<p>tj_pro</p> <p>Protection Measures</p>	<p>Page 284; [Untitled preamble]</p> <p>– Soulignant les dispositions de la Constitution de la République du Mali par lesquelles elle souscrit à la Déclaration Universelle des Droits de l'Homme du 10 décembre 1948 et à la Charte Africaine des Droits de l'Homme et des Peuples du 27 juin 1981 et, proclamant sa détermination à défendre les droits de la femme et de l'enfant ainsi que la diversité culturelle et linguistique de la Communauté nationale;</p> <p>[...]</p> <p>Page 301; TITRE V: LA COOPÉRATION SOUS-RÉGIONALE ET INTERNATIONALE AU SERVICE DE LA PAIX ET DU DÉVELOPPEMENT</p> <p>61. Enfin, l'État du Mali sollicitera des pays amis pour concourir, dans le cadre de la coopération intergouvernementale, à la formation ou au recyclage des jeunes issus des populations déplacées du Nord du Mali qui soit n'ont pu avoir accès à une formation soit ont été contraints de l'arrêter ou soit l'ont reçu à l'étranger.</p>
<p>tr_con</p> <p>Constitutional Reform</p>	<p>Page 284; [Untitled preamble]</p> <p>– Réaffirmant leur attachement à la constitution de la République du Mali en date du 12 janvier 1992;</p> <p>Page 297-98; CHAPITRE IV DE LA MISE EN ŒUVRE DU PRÉSENT STATUT</p>

		<p>43. Nonobstant la participation des régions au Haut Conseil des Collectivités prévu au titre XII de la Constitution de la République du Mali, il sera créé un poste de Commissaire pour le Nord du Mali auprès du Chef de l'État pour une durée de cinq ans renouvelables, chargé d'animer la mise en œuvre du présent Pacte.</p> <p>Page 304; TITRE VII: DE LA GARANTIE DE LA MISE EN OEUVRE DU PACTE</p> <p>77. La Partie Gouvernementale a rappelé que la Constitution de la République du Mali en date du 12 janvier 1992 consacre la volonté du peuple malien de sceller la réconciliation et la concorde nationale entre tous les fils du Mali.</p>
tr_leg	Legislative Branch Reform	<p>Page 300; SOUS-TITRE B: MESURES DE CONSÉCRATION DE L'UNITÉ NATIONALE</p> <p>54. Afin d'assurer la plénitude de leur représentation au sein de l'Assemblée nationale et dans le but d'y assurer une réelle participation des populations du Nord, y compris des personnes déplacées du fait du conflit, il sera créé à titre exceptionnel pendant la première législature, un total de 4 sièges que pourvoiront les populations déplacées du Nord du Mali.</p> <p>55. Ces sièges seront pourvus par le biais d'élections qui seront organisées à l'issue du programme de rapatriement des personnes déplacées et pas plus tard que 130 jours après la signature du présent Pacte.</p> <p>56. Par ailleurs, et à ces sièges susmentionnés, s'ajouteraient un ou deux sièges qui assureraient la représentation complémentaire des populations maliennes, essentiellement du Nord, installées à l'étranger, et ce, dans le cadre des sièges à l'Assemblée nationale prévus pour les Maliens de l'extérieur et qui seront dotés lors d'élections partielles.</p>
tr_exe	Executive Branch Reform	
tr_jud	Judiciary Reform	
tr_adm	Public Administration Reform	<p>Page 291; TITRE III: STATUT PARTICULIER DU NORD DU MALI</p> <p>[...]</p> <p>Dans ce même esprit de prise en charge des affaires inter-régionales, régionales et locales par les populations et en vue de les en rapprocher, le principe d'un redécoupage administratif portant sur chaque niveau d'organisation territoriale du Nord du Mali est convenu entre les deux Parties. Ce redécoupage sera proposé par les instances locales appropriées et consacré par la Loi.</p> <p>Page 291; TITRE III: STATUT PARTICULIER DU NORD DU MALI; CHAPITRE II: AU NIVEAU RÉGIONAL</p> <p>29. L'exécutif régional sera assisté de cadres représentant les différents services déconcentrés de l'État étoffant l'administration de la région. Dans le respect de l'unicité de l'administration nationale, une priorité particulière sera réservée aux ressortissants de la région dans le recrutement.</p>

Page 299; TITRE IV: DE LA CONSÉCRATION, DE LA SOLIDARITÉ ET DE L'UNITÉ NATIONALES DANS LE NORD DU MALI; SOUS-TITRE B: MESURES DE CONSÉCRATION DE L'UNITÉ NATIONALE

53. Par ailleurs, et dans le même esprit, le Gouvernement fera un effort qui, tout en tenant compte des qualifications requises, visera à une intégration de cadres des Mouvements et de personnes des populations du Nord du Mali dans les différentes instances de l'Administration publique et parapublique. Cette mesure qui sera exécutée dans les deux mois suivant la signature du Pacte vise également à la consolidation de l'esprit de réconciliation et de confiance et tend aussi à assurer une présence équitable des populations de chaque région du pays dans l'appareil de l'État.

Page 302-03; TITRE VI: DU CALENDRIER DE MISE EN ŒUVRE DES DISPOSITIONS DU PACTE DE RÉCONCILIATION NATIONALE

71. L'intégration ad hoc de cadres des Mouvements et des populations du Nord du Mali dans les instances centrales de la défense nationale et de l'administration publique et parapublique sera parachevée deux mois après la signature du Pacte. Un délai sera accordé pour la prise de fonction.

75. Six mois après la signature du présent Pacte:

[...]

D - Le processus de redécoupage communal et administratif dans le Nord du Mali tel qu'énoncé au paragraphe 37 ci-dessus, est lancé et sera parachevé à la fin de l'année suivant la signature du présent Pacte.

Page 285-86; TITRE II: DE L'ARRÊT DÉFINITIF DES HOSTILITÉS ET DU RÉGLEMENT DES QUESTIONS DÉCOULANT DE LA SITUATION DE CONFLIT ARME

7. Dans les soixante jours suivant la signature du Pacte, il sera mis en exécution un programme portant sur les mesures concomitantes ci-après:

A - Dans le cadre des mesures de restauration de la confiance, de l'élimination de facteurs d'insécurité et d'instauration d'une sécurité définitive, il sera:

- procédé à l'intégration totale, sur une base individuelle et volontaire et selon les critères de compétence, des combattants des Mouvements et Fronts Unifiés de l'Azawad (MFUA) dans les différents corps en uniformes de l'État, [...]

- mis sur pied pour une année, des unités spéciales des forces armées composées majoritairement des combattants intégrés des Mouvements et Fronts Unifiés de l'Azawad, [...]

- créé des unités spéciales de l'Armée largement ouvertes à toutes les composantes des populations locales, dont la mission se limitera à la préservation de l'intégrité et de la sécurité extérieures du territoire national. [...]

B – [...]

- au changement des missions dévolues à l'Armée Nationale chargée à l'avenir des missions de défense nationale, entraînant un programme étalé de redéploiement des installations et implantations militaires hors des centres urbains et des zones de pâturage et de pacage, ainsi que la transformation de certaines installations de l'Armée en centres et écoles de formation militaire ou paramilitaire, et l'utilisation de certaines des casernes désaffectées en centre de formation professionnelle.

Page 287-88; TITRE II: DE L'ARRÊT DÉFINITIF DES HOSTILITÉS ET DU RÉGLEMENT DES QUESTIONS DÉCOULANT DE LA SITUATION DE CONFLIT ARME

9. Un programme de rapatriement des personnes déplacées sera préparé à partir de la signature du présent Pacte. La mise en oeuvre de ce programme

tr_mil

Military Reform

sera entamée 60 jours après la signature, soit à la fin de l'exécution des dispositions relatives au cessez-le-feu énoncées au paragraphe 7 ci-dessus qui se lit comme suit:

Dans les soixante jours suivant la signature du Pacte, il sera mis en exécution un programme portant sur les mesures concomitantes ci-après:

A - Dans le cadre des mesures de restauration de la confiance, de l'élimination des facteurs d'insécurité et d'instauration d'une sécurité définitive, il sera:

- procédé à l'intégration totale, sur une base individuelle et volontaire et selon les critères de compétence, des combattants des Mouvements et Fronts Unifiés de l'Azawad (MFUA) dans les différents corps en uniformes de l'État,

- mis sur pied pour une année, des unités spéciales des forces armées composées majoritairement des combattants intégrés des Mouvements et Fronts Unifiés de l'Azawad,
[...]

- créé des unités spéciales de l'Armée largement ouvertes à toutes les composantes des populations locales, dont la mission se limitera à la préservation de l'intégrité et de la sécurité extérieures du territoire national.

B - Par ailleurs, et dans ce même cadre des mesures de restauration de la confiance, d'élimination des facteurs d'insécurité et d'instauration d'une sécurité définitive, il sera procédé à un allègement substantiel, graduel et approprié des forces armées actuelles dans le Nord, de sorte à aboutir à leur retrait majoritaire. Cette opération sera menée conformément:
[...]

- au changement des missions dévolues à l'Armée Nationale chargée à l'avenir des missions de défense nationale, entraînant un programme étalé de redéploiement des installations et implantations militaires hors des centres urbains et des zones de pâturage et de pacage, ainsi que la transformation de certaines installations de l'Armée en centres et écoles de formation militaire ou paramilitaire, et l'utilisation de certaines des casernes désaffectées en centre de formation professionnelle.

Tout effort sera déployé pour que ce programme de rapatriement soit parachevé dans un délai de 60 jours qui suivront son lancement.

[...]

Page 300; TITRE IV: DE LA CONSÉCRATION DE LA SOLIDARITÉ ET DE L'UNITÉ NATIONALES DANS LE NORD DU MALI; SOUS-TITRE B: MESURES DE CONSÉCRATION DE L'UNITÉ NATIONALE

57. L'unité nationale exigeant l'égalité de droits et devoirs entre tous les citoyens maliens, celle-ci trouvera sa meilleure garantie dans un programme d'enseignement et de formation équitablement appliqué à travers le territoire national. A cet égard, un programme spécial de formation civile et militaire et d'enseignement sera engagé au profit des populations du Nord du Mali, programme qui sera prolongé par une carte nationale d'organisation égalitaire de l'éducation, dans le respect des compétences respectives de chacun des niveaux local, régional et national. En outre, les populations du Nord Mali auront accès aux bourses de formation octroyées dans le cadre de la coopération internationale que ce soit au titre des offres faites à l'État malien ou dans le cadre de programmes de coopération transfrontalières entre collectivités similaires.

Page 303; TITRE VI: DU CALENDRIER DE MISE EN OEUVRE DES DISPOSITIONS DU PACTE DE RÉCONCILIATION NATIONALE

75. Six mois après la signature du présent Pacte:

A - Seront créées les unités spéciales de l'Armée largement ouvertes à toutes les composantes des populations locales, dont la mission se limitera à la préservation de l'intégrité et de la sécurité extérieure du territoire national, et qui font l'objet du dernier alinéa du paragraphe 7 A ci-dessus;

[...]

Page 285-86; TITRE II: DE L'ARRÊT DÉFINITIF DES HOSTILITÉS ET DU RÉGLEMENT DES QUESTIONS DÉCOULANT DE LA SITUATION DE CONFLIT ARME

7. Dans les soixante jours suivant la signature du Pacte, il sera mis en exécution un programme portant sur les mesures concomitantes ci-après:

A - Dans le cadre des mesures de restauration de la confiance, de l'élimination de facteurs d'insécurité et d'instauration d'une sécurité définitive, il sera:

- institué un corps de sécurité intérieure (Gendarmerie Nationale, Garde-Goum, Police) comprenant toutes les composantes des populations locales, y compris des combattants des Mouvements et Fronts Unifiés de l'Azawad, mis à la disposition des Autorités locales dans la cadre de leurs pouvoirs de police,

Page 287-88; TITRE II: DE L'ARRÊT DÉFINITIF DES HOSTILITÉS ET DU RÉGLEMENT DES QUESTIONS DÉCOULANT DE LA SITUATION DE CONFLIT ARME

9. Un programme de rapatriement des personnes déplacées sera préparé à partir de la signature du présent Pacte. La mise en oeuvre de ce programme sera entamée 60 jours après la signature, soit à la fin de l'exécution des dispositions relatives au cessez-le-feu énoncées au paragraphe 7 ci-dessus qui se lit comme suit:

Dans les soixante jours suivant la signature du Pacte, il sera mis en exécution un programme portant sur les mesures concomitantes ci-après:

A - Dans le cadre des mesures de restauration de la confiance, de l'élimination des facteurs d'insécurité et d'instauration d'une sécurité définitive, il sera:
[...]

- institué un corps de sécurité intérieure (Gendarmerie Nationale, Garde-Goum, Police) comprenant toutes les composantes des populations locales, y compris des combattants des Mouvements et Fronts Unifiés de l'Azawad, mis à la disposition des Autorités locales dans la cadre de leurs pouvoirs de police,
[...]

Page 291-92; TITRE III: STATUT PARTICULIER DU NORD DU MALI

15. Ce statut définit et consacre les compétences des Assemblées locales, régionales et inter-régionale. Ces Assemblées élues sont compétentes pour:
[...]

C - Assurer elles-mêmes, à travers leurs élus, le contrôle des forces et des activités de maintien de l'ordre au niveau local et régional,

Page 296; CHAPITRE II: AU NIVEAU RÉGIONAL

31. A travers son Président, l'Assemblée de la Région veillera à dégager auprès de l'État les effectifs régionaux suffisants des corps de sécurité intérieure. Elle exercera un pouvoir de contrôle des forces de police et de maintien de l'ordre civil au niveau régional.

tr_pol

Police Reform

Page 294; CHAPITRE I: AU NIVEAU INTER-RÉGIONAL

23. L'Assemblée Inter-régionale aura compétence pour:

E - Faire aboutir, en concertation avec les instances nationales concernées, et veiller à son exécution, tout projet relevant des domaines de formation, de la santé et de la culture à dimension commune à toutes les Régions concernées et de nature à améliorer la satisfaction des besoins des populations (exemple: facultés, hôpital universitaire, annexe de radio ou de télévision à vocation inter-régionale...),
[...]

Page 295; CHAPITRE II: AU NIVEAU RÉGIONAL

30. L'Assemblée de la Région est compétente pour:
[...]

I - Concourir au développement social et culturel de la Région par:

- La promotion d'une politique sanitaire et éducative harmonieuse au niveau de la Région,
[...]

tr_edu Education Reform

Page 300; TITRE IV: DE LA CONSÉCRATION DE LA SOLIDARITÉ ET DE L'UNITÉ NATIONALES DANS LE NORD DU MALI; SOUS-TITRE B: MESURES DE CONSÉCRATION DE L'UNITÉ NATIONALE

57. L'unité nationale exigeant l'égalité de droits et devoirs entre tous les citoyens maliens, celle-ci trouvera sa meilleure garantie dans un programme d'enseignement et de formation équitablement appliqué à travers le territoire national. A cet égard, un programme spécial de formation civile et militaire et d'enseignement sera engagé au profit des populations du Nord du Mali, programme qui sera prolongé par une carte nationale d'organisation égalitaire de l'éducation, dans le respect des compétences respectives de chacun des niveaux local, régional et national. En outre, les populations du Nord Mali auront accès aux bourses de formation octroyées dans le cadre de la coopération internationale que ce soit au titre des offres faites à l'État malien ou dans le cadre de programmes de coopération transfrontalières entre collectivités similaires.

TITRE V: LA COOPÉRATION SOUS-RÉGIONALE ET INTERNATIONALE AU SERVICE DE LA PAIX ET DU DÉVELOPPEMENT

61. Enfin, l'État du Mali sollicitera des pays amis pour concourir, dans le cadre de la coopération intergouvernementale, à la formation ou au recyclage des jeunes issus des populations déplacées du Nord du Mali qui, soit n'ont pu avoir accès à une formation, soit ont été contraints de l'arrêter, soit l'ont reçu à l'étranger.

tr_med Media Reform

Page 294; CHAPITRE I: AU NIVEAU INTER-RÉGIONAL

23. L'Assemblée Inter-régionale aura compétence pour:
[...]

E - faire aboutir, en concertation avec les instances nationales concernées, et veiller à son exécution, tout projet relevant des domaines de formation, de la santé et de la culture à dimension commune à toutes les Régions concernées et de nature à améliorer la satisfaction des besoins des populations (exemple: facultés, hôpital universitaire, annexe de radio ou de télévision à vocation inter-régionale...),
[...]

Page 295; CHAPITRE II: AU NIVEAU RÉGIONAL

	<p>30. L'Assemblée de la Région est compétente pour:</p> <p>I - concourir au développement social et culturel de la Région par: [...] - la promotion locale des activités sociales et culturelles à même de favoriser l'épanouissement du patrimoine culturel de la Région, d'assurer sa diffusion à travers le pays et d'assurer la diffusion des autres variétés du patrimoine national au niveau de la Région. A cet égard, toute possibilité de création d'annexes de radio ou de télévision sera concrétisée,</p>
<p>tr_ddd</p> <p>Demobilization, Disarmament & Reintegration</p>	<p>Page 285-86; TITRE II DE L'ARRÊT DÉFINITIF DES HOSTILITÉS ET DU RÈGLEMENT DES QUESTIONS DÉCOULANT DE LA SITUATION DE CONFLIT ARME</p> <p>7. Dans les soixante jours suivant la signature du Pacte, il sera mis en exécution un programme portant sur les mesures concomitantes ci-après:</p> <p>A - Dans le cadre des mesures de restauration de la confiance, de l'élimination de facteurs d'insécurité et d'instauration d'une sécurité définitive, il sera:</p> <ul style="list-style-type: none"> - procédé à l'intégration totale, sur une base individuelle et volontaire et selon les critères de compétence, des combattants des Mouvements et Fronts Unifiés de l'Azawad (MFUA) dans les différents corps en uniformes de l'État, - mis sur pied, pour une année, des unités spéciales des forces armées composées majoritairement des combattants intégrés des Mouvements et Fronts Unifiés de l'Azawad, - institué un corps de sécurité intérieure (Gendarmerie nationale, Garde-Goum, Police) comprenant toutes les composantes des populations locales, y compris des combattants des Mouvements et Fronts Unifiés de l'Azawad, mis à la disposition des Autorités locales dans le cadre de leurs pouvoirs de police, - créé des unités spéciales de l'Armée largement ouvertes à toutes les composantes des populations locales, dont la mission se limitera à la préservation de l'intégrité et de la sécurité extérieure du territoire national. <p>Les dispositions relatives à l'intégration de la totalité des combattants des Mouvements et Fronts énoncées ci-dessus porteront sur le retour des éléments de ces derniers avec leurs armements. Cette opération sera menée avec le concours de la Commission de Suivi du Cessez-le-feu;</p> <p>La sécurité et l'intégrité physique des combattants et des membres réintégrés des Mouvements et Fronts ainsi que celles des populations déplacées rapatriées seront totalement garanties;</p> <p>Page 287; TITRE II DE L'ARRÊT DÉFINITIF DES HOSTILITÉS ET DU RÈGLEMENT DES QUESTIONS DÉCOULANT DE LA SITUATION DE CONFLIT ARME</p> <p>9. [...] Dans les soixante jours suivant la signature du Pacte, il sera mis en exécution un programme portant sur les mesures concomitantes ci-après:</p> <p>A - Dans le cadre des mesures de restauration de la confiance, de l'élimination des facteurs d'insécurité et d'instauration d'une sécurité définitive, il sera:</p> <ul style="list-style-type: none"> - procédé à l'intégration totale, sur une base individuelle et volontaire et selon les critères de compétence, des combattants des Mouvements et Fronts Unifiés de l'Azawad (MFUA) dans les différents corps en uniformes de l'État, [...]
<p>tr_tim</p> <p>Transitional Timeline</p>	<p>Page 289; TITRE II: DE L'ARRÊT DÉFINITIF DES HOSTILITÉS ET DU RÈGLEMENT DES QUESTIONS DÉCOULANT DE LA SITUATION DE CONFLIT ARME</p> <p>11. Conformément à la décision arrêtée entre les deux Parties lors de la Conférence de Mopti en décembre 1991, concrétisée lors de leur rencontre à Alger en janvier 1992 et réitérée lors de leur rencontre de mars, la Commission</p>

d'Enquête Indépendante sera installée à Mopti 15 jours après la signature du Pacte.

**Page 297-98; TITRE III: STATUT PARTICULIER DU NORD DU MALI;
CHAPITRE IV: DE LA MISE EN OEUVRE DU PRÉSENT STATUT**

42. Le calendrier de mise en oeuvre de ce Statut est précisé au calendrier général de mise en oeuvre du Pacte National tel qu'énoncé au titre IV ci-dessous.

43. Nonobstant la participation des Régions au Haut Conseil des Collectivités prévu au titre XII de la Constitution de la République du Mali, il sera créé un poste de Commissaire pour le Nord du Mali auprès du Chef de l'État pour une durée de cinq ans renouvelables, chargé d'animer la mise en oeuvre du présent Pacte.

Page 298-99; TITRE IV: DE LA CONSÉCRATION DE LA SOLIDARITÉ ET DE L'UNITÉ NATIONALES DANS LE NORD DU MALI

SOUS-TITRE A: MESURES DE CONSÉCRATION DE LA SOLIDARITÉ NATIONALE

45. Ces deux Fonds qui seront créés et dotés dans les trente jours suivant la signature du Pacte, demeureront en activité pendant une année. Ils seront gérés par une Commission bilatérale dans laquelle siègeront des représentants du Gouvernement et des Mouvements.

49. Le programme spécial de développement sera défini et son plan de financement arrêté 06 mois après la signature du présent Pacte. Les Assemblées des Régions et l'Assemblée Inter-régionale soumettront au Gouvernement leurs propositions en la matière.

SOUS-TITRE B: MESURES DE CONSÉCRATION DE L'UNITÉ NATIONALE

53. Par ailleurs, et dans le même esprit, le Gouvernement fera un effort qui, tout en tenant compte des qualifications requises, visera à une intégration de cadres des Mouvements et de personnes des populations du Nord du Mali dans les différentes instances de l'Administration publique et parapublique.

Cette mesure qui sera exécutée dans les deux mois suivant la signature du Pacte vise également à la consolidation de l'esprit de réconciliation et de confiance et tend aussi à assurer une présence équitable des populations de chaque Région du pays dans l'appareil de l'État.

Page 301-03; TITRE VI: DU CALENDRIER DE MISE EN OEUVRE DES DISPOSITIONS DU PACTE DE RÉCONCILIATION NATIONALE

62. Les deux Parties s'engagent à respecter le caractère indissociable de l'ensemble des clauses du présent Pacte. Aux fins d'en assurer la mise en oeuvre sereine et loin de toute contestation ou malentendu, les deux Parties s'engagent sur le calendrier de mise en oeuvre ci-après.

63. Soixante-douze heures après sa signature par les deux Parties en sol malien, le présent Pacte sera promulgué au journal officiel de la République du Mali par la Présidence du Comité de Transition pour le Salut du Peuple (CTSP).

64. Le cessez-le-feu définitif entrera en vigueur le lendemain de la signature à zéro heure.

65. L'ensemble des dispositions relatives à l'arrêt définitif des hostilités décrites au titre II du présent Pacte seront mises en oeuvre de manière concomitante, dans un délai de soixante jours suivant la signature, sous la supervision et le contrôle de la Commission du Cessez-le-Feu.

66. La Commission Indépendante d'Enquête sera installée 15 jours après la signature de l'Accord. Elle déposera comme convenu ses conclusions 04 mois

au maximum après son installation. Les instances appropriées judiciaires et autres seront saisies de ses conclusions 45 jours après remise du rapport au Chef de l'État. En cas de retard dans la finalisation de la composition de cette Commission, les dispositions visées au paragraphe 13 du présent Pacte seront mises en oeuvre pour permettre le démarrage de la Commission Indépendante d'Enquête.

67. Dans les 60 jours suivant la signature du Pacte, le poste de Commissaire pour le Nord du Mali, chargé d'animer la mise en oeuvre du présent Pacte pendant une durée de cinq années, sera pourvu en consultation avec les Mouvements.

68. Dans les 30 jours suivant la signature du Pacte, seront créés et approvisionnés le Fonds de développement et de réinsertion des populations déplacées et le Fonds d'assistance et d'indemnisation aux victimes de toutes les conséquences du conflit armé.

69. Soixante jours après la signature du Pacte, sera lancé avec l'aide des pays hôtes ainsi que des pays amis et des Organisations internationales humanitaires et en coordination entre l'État et les Mouvements, le programme de rapatriement volontaire des populations du Nord déplacées dans les pays de la sous-région. Ce programme sera parachevé dans un délai de soixante jours avec l'assistance à la réinsertion octroyée par les Fonds visés au paragraphe 68 ci-dessus. Durant ce même délai, l'assistance aux personnes demeurées à l'intérieur du pays et sinistrées du fait des conflits sera octroyée.

70. Cent trente jours après la signature du Pacte, soit dix jours après le parachèvement du programme de rapatriement, seront organisées les élections partielles aux sièges de l'Assemblée Nationale créés à titre ad hoc pour la première législature en faveur des populations du Nord du Mali déplacées.

71. L'intégration ad hoc de cadres des Mouvements et des populations du Nord du Mali dans les instances centrales de la Défense Nationale et de l'Administration publique et parapublique sera parachevée deux mois après la signature du Pacte. Un délai sera accordé pour la prise de fonction.

72. Trois mois après la signature du présent Pacte, les instances législatives et exécutives concernées entament la préparation des mesures nécessaires à la création des Assemblées et des mécanismes propres aux Communes, Cercles, Arrondissements, Régions et Assemblée Inter-régionale. Ces mesures seront élaborées dans le respect des dispositions irréversibles du présent Pacte. Elles seront préparées en étroite collaboration avec la Commission de Suivi et le Commissaire pour le Nord du Mali.

73. Six mois après la signature du présent Pacte, seront organisées les élections des Assemblées des Communes, Arrondissements, Cercles et Régions. L'Assemblée Inter-régionale sera constituée un mois après l'élection des Assemblées Régionales. L'installation des Exécutifs et Secrétariat Permanent y afférent tel qu'énoncé au titre V du présent Pacte, interviendra dans le mois suivant leur constitution respective.

74. Dans l'intervalle entre la signature du présent Pacte et l'entrée en fonction des nouvelles institutions locales dans le Nord du Mali, la Commission de Suivi veillera, en collaboration avec le Commissaire pour le Nord, au respect des dispositions du présent Pacte, notamment en matière de sécurité des populations et du territoire dans le Nord du Mali, de réinsertion des personnes déplacées, d'aide aux victimes et de préparation des mesures prévues par le Pacte.

75. Six mois après la signature du présent Pacte:

A - seront créées les unités spéciales de l'Armée largement ouvertes à toutes les composantes des populations locales, dont la mission se limitera à la préservation de l'intégrité et de la sécurité extérieure du territoire national, et qui font l'objet du dernier alinéa du paragraphe 7 A ci-dessus.

B - le programme spécial de développement du Nord du Mali est lancé conformément aux dispositions du titre IV paragraphe 47 à 50.

C - le régime fiscal préférentiel et incitatif est édicté et appliqué dans le Nord du Mali conformément aux dispositions du titre V paragraphe 51.

D - le processus de re-découpage communal et administratif dans le Nord du Mali, tel qu'énoncé au paragraphe 37 ci-dessus, est lancé et sera parachevé à la fin de l'année suivant la signature du présent Pacte.

**Page 294; TITRE III: STATUT PARTICULIER DU NORD DU MALI;
CHAPITRE II: AU NIVEAU RÉGIONAL**

24. Chacune des régions du Nord du Mali sera dotée d'une assemblée démocratiquement élue par les populations locales. Cette assemblée sera élue au suffrage indirect pour un mandat de cinq années. Elle sera composée d'un nombre de sièges correspondant à un nombre de circonscriptions électorales à définir en relation avec la densité démographique et l'étendue géographique, avec au minimum un élu par cercle.

**Page 300; TITRE IV: DE LA CONSÉCRATION DE LA SOLIDARITÉ ET DE
L'UNITÉ NATIONALES DANS LE NORD DU MALI; SOUS-TITRE B:
MESURES DE CONSÉCRATION DE L'UNITÉ NATIONALE**

[...]

55. Ces sièges seront pourvus par le biais d'élections qui seront organisées à l'issue du programme de rapatriement des personnes déplacées et pas plus tard que 130 jours après la signature du présent Pacte.

[...]

tr_epr

Electoral & Political
Party Reform

**Page 302-03; TITRE VI: DU CALENDRIER DE MISE EN OEUVRE DES
DISPOSITIONS DU PACTE DE RÉCONCILIATION NATIONALE**

70. Cent trente jours après la signature du Pacte, soit dix jours après le parachèvement du programme de rapatriement, seront organisées les élections partielles aux sièges de l'Assemblée Nationale créés à titre ad hoc pour la première législature en faveur des populations du Nord du Mali déplacées.

73. Six mois après la signature du présent Pacte, seront organisées les élections des Assemblées des Communes, Arrondissements, Cercles et Régions.

L'Assemblée Inter-régionale sera constituée un mois après l'élection des Assemblées Régionales.

L'installation des Exécutifs et Secrétariat Permanent y afférent tel qu'énoncé au titre V du présent Pacte, interviendra dans le mois suivant leur constitution respective.

**Page 288-89; TITRE II: DE L'ARRÊT DÉFINITIF DES HOSTILITÉS ET DU
RÈGLEMENT DES QUESTIONS DÉCOULANT DE LA SITUATION DE
CONFLIT ARME**

11. La réinsertion des populations déplacées et l'assistance aux victimes de toutes les conséquences du conflit armé du Nord Mali donneront lieu à la création de deux Fonds:

- un Fonds de développement et de réinsertion devant favoriser la création de Petites et Moyennes Industries (PMI) et de Petites et Moyennes Entreprises (PME) et l'insertion des populations déplacées dans le circuit de production,
[...]

tr_dev

Socio-Economic
Development

Page 291-92; TITRE III: STATUT PARTICULIER DU NORD DU MALI

15. Ce statut définit et consacre les compétences des Assemblées locales, régionales et inter-régionale.

Ces Assemblées élues sont compétentes pour:

[...]

B - Définir et promouvoir le programme de développement économique, social, culturel qu'elles désirent. De tels programmes globaux ou spécifiques, locaux ou régionaux, couvriront des secteurs et des activités telles que l'agriculture, l'élevage, l'hydraulique, l'urbanisme, l'habitat, la préservation de l'écosystème, l'industrie, le transport, la communication, la santé, l'éducation, la culture, le tourisme, la recherche et la promotion des langues locales, l'artisanat, l'aménagement et la protection des sites historiques, la gestion du patrimoine foncier et l'incitation à l'exploration des ressources naturelles.
[...]

**Page 293-94; TITRE III: STATUT PARTICULIER DU NORD DU MALI;
CHAPITRE I: AU NIVEAU INTER-RÉGIONAL**

23. L'Assemblée Inter-régionale aura compétence pour:

A - Élaborer tout programme de développement ou d'activité socio-économique et culturelle à vocation inter-régionale;

B - Coordonner toute activité ou projet d'intérêt mutuel pour les régions associées;

C - Faire aboutir en concertation avec le Gouvernement, sur la base de la volonté des régions et des collectivités locales de celles-ci, toute suggestion de redécoupage régional;

D - proposer au Gouvernement toute action ou projet d'animation ou de développement dépassant les limites de la région;

E - Faire aboutir en concertation avec les instances nationales concernées et veiller à son exécution, tout projet relevant des domaines de la formation, de la santé et de la culture à dimension commune à toutes les régions concernées et de nature à améliorer la satisfaction des besoins des populations (exemple: facultés, hôpital universitaire, annexe de radio ou de télévision à vocation inter-régionale...);

F - Participer en consultation avec les instances nationales concernées à toute élaboration de programme concernant les régions membres de l'assemblée inter-régionale, en matière de défense nationale, de défense civile, et de lutte contre les calamités et catastrophes naturelles;

G - Contribuer à l'animation et à la promotion du développement trans-frontalier avec les pays voisins.

**Page 295; TITRE III: STATUT PARTICULIER DU NORD DU MALI;
CHAPITRE II: AU NIVEAU RÉGIONAL**

30. L'assemblée de la région est compétente pour:

A - Entreprendre toute action de nature à assurer le développement de la région;

B - Promouvoir l'investissement dans la région;

C - Donner son avis motivé dans le cadre du programme national de développement;

D - Gérer, à travers l'Exécutif, les crédits affectés par le Gouvernement de la région;

E - Définir, conduire et exécuter le programme d'équipement de la région et veiller à son application;

F - Définir et promouvoir une politique de développement rural notamment dans les domaines fonciers, de l'habitat, de la lutte contre la désertification, de l'hydraulique, de l'élevage et de la préservation de l'écosystème;

G - Encourager et promouvoir le développement industriel et artisanal de la région, notamment par la création de zones industrielles, la création ou

l'exploitation d'unités artisanales locales ou de toutes unités de nature à satisfaire les besoins locaux;

H - Prendre toute mesure nécessaire pour la promotion du tourisme et le développement des transports;

I - Concourir au développement social et culturel de la région par:
[...]

Page 298; TITRE IV: DE LA CONSÉCRATION DE LA SOLIDARITÉ ET DE L'UNITÉ NATIONALES DANS LE NORD DU MALI; SOUS-TITRE A: MESURES DE CONSÉCRATION DE LA SOLIDARITÉ NATIONALE

44. Tel que mentionné au paragraphe 11 titre II, la réinsertion des populations déplacées et l'assistance aux victimes de toutes les conséquences du conflit armé du Nord du Mali donneront lieu à la création de deux Fonds:

- un Fonds de développement et de réinsertion
[...]

47. Un programme spécial de développement du Nord du Mali sera arrêté pour une période de dix années et lancé en deux tranches quinquennales successives.

48. Ce programme aura pour vocation de résorber les inégalités entre le Nord du Mali et le reste du pays dans les domaines économique, social et culturel. Il aura également pour finalité de consolider les infrastructures du Nord du Mali de sorte à rendre attractif l'investissement dans cette Région.

49. Le programme spécial de développement sera défini et son plan de financement arrêté 06 mois après la signature du présent Pacte. Les Assemblées des Régions et l'Assemblée Inter-régionale soumettront au Gouvernement leurs propositions en la matière.

50. Le programme spécial de développement sera approuvé par le Gouvernement. Les ressources de ce programme seront annoncées en tant qu'enveloppes quinquennales. Ces crédits seront attribués par l'État, par tranche annuelle à chacune des Assemblées des Régions du Nord du Mali qui en assurera la gestion et l'exécution.

51. Un régime fiscal préférentiel et incitatif sera défini pour le Nord du Mali. Ce régime sera de nature à encourager et attirer l'investissement. Il sera annoncé dans les 03 mois suivant la signature de ce Pacte et demeurera en vigueur pendant une période de 10 ans.

Page 302-03; TITRE VI: DU CALENDRIER DE MISE EN OEUVRE DES DISPOSITIONS DU PACTE DE RÉCONCILIATION NATIONALE

68. Dans les 30 jours suivant la signature du Pacte, seront créés et approvisionnés le Fonds de développement et de réinsertion des populations déplacées et le Fonds d'assistance et d'indemnisation aux victimes de toutes les conséquences du conflit armé.

75. Six mois après la signature du présent Pacte:
[...]

B - le programme spécial de développement du Nord du Mali est lancé conformément aux dispositions du titre IV paragraphe 47 à 50.

C - le régime fiscal préférentiel et incitatif est édicté et appliqué dans le Nord du Mali conformément aux dispositions du titre V paragraphe 51.

Page 284; [Untitled preamble]

tr_cul

Cultural Heritage/
Protections

– Soulignant les dispositions de la Constitution de la République du Mali par lesquelles elle souscrit à la Déclaration Universelle des Droits de l'Homme du 10 décembre 1948 et à la Charte Africaine des Droits de l'Homme et des Peuples du 27 juin 1981 et, proclamant sa détermination à défendre les droits de la femme et de l'enfant ainsi que la diversité culturelle et linguistique de la Communauté nationale;

Page 292; TITRE III STATUT PARTICULIER DU NORD DU MALI

15. Ce statut définit et consacre les compétences des Assemblées locales, régionales et inter-régionale. Ces Assemblées élues sont compétentes pour: [...]

B - Définir et promouvoir le programme de développement économique, social, culturel qu'elles désirent. De tels programmes globaux ou spécifiques, locaux ou régionaux, couvriront des secteurs et des activités telles que l'agriculture, l'élevage, l'hydraulique, l'urbanisme, l'habitat, la préservation de l'écosystème, l'industrie, le transport, la communication, la santé, l'éducation, la culture, le tourisme, la recherche et la promotion des langues locales, l'artisanat, l'aménagement et la protection des sites historiques, la gestion du patrimoine foncier et l'incitation à l'exploration des ressources naturelles.

**Page 293; TITRE III: STATUT PARTICULIER DU NORD DU MALI;
CHAPITRE I: AU NIVEAU INTER-RÉGIONAL**

23. L'assemblée inter-régionale aura compétence pour:

A - Élaborer tout programme de développement ou d'activité socio-économique et culturelle à vocation inter-régionale; [...]

**Page 295; TITRE III: STATUT PARTICULIER DU NORD DU MALI;
CHAPITRE II: AU NIVEAU RÉGIONAL**

30. L'assemblée de la région est compétente pour: [...]

I - Concourir au développement social et culturel de la région par: [...]

* La promotion locale des activités sociales et culturelles à même de favoriser l'épanouissement du patrimoine culturel de la région, d'assurer sa diffusion à travers le pays et d'assurer la diffusion des autres variétés du patrimoine national au niveau de la région. À cet égard, toutes possibilités de création d'annexes de radio ou de télévision sera concrétisée;

**Page 288-89; TITRE II: DE L'ARRÊT DÉFINITIF DES HOSTILITÉS ET DU
RÈGLEMENT DES QUESTIONS DÉCOULANT DE LA SITUATION DE
CONFLIT ARME**

11. La réinsertion des populations déplacées et l'assistance aux victimes de toutes les conséquences du conflit armé du Nord Mali donneront lieu à la création de deux Fonds:

- un Fonds de développement et de réinsertion devant favoriser la création de Petites et Moyennes Industries (PMI) et de Petites et Moyennes Entreprises (PME) et l'insertion des populations déplacées dans le circuit de production,

- un Fonds d'assistance et d'indemnisation aux victimes civiles et militaires des deux Parties et à leurs ayants droit de toutes les conséquences du conflit armé. Ce Fonds servira en priorité à indemniser les victimes à l'issue des travaux de la Commission d'Enquête Indépendante. Un mécanisme permanent d'assistance aux victimes militaires des deux Parties et à leurs ayants droit sera institué. Ces deux Fonds seront créés dans les trente jours qui suivront la signature du présent Pacte. [...]

**Page 293; TITRE III: STATUT PARTICULIER DU NORD DU MALI;
CHAPITRE I: AU NIVEAU INTER-RÉGIONAL**

22. L'assemblée inter-régionale sera dotée d'un budget annuel de fonctionnement dégagé par les régions associées et complété par l'État.

tr_fin

Financial
Arrangements

**Page 295-96; TITRE III: STATUT PARTICULIER DU NORD DU MALI;
CHAPITRE II: AU NIVEAU RÉGIONAL**

30. L'Assemblée de la Région est compétente pour:

[...]

D - Gérer, à travers l'Exécutif, les crédits affectés par le Gouvernement de la région;

[...]

33. L'Assemblées de la Région vote le budget de la Région. Celui-ci est alimenté par les recettes de la fiscalité locale, par les dotations annuelles ou spéciales versées par l'État ainsi que par les dons et legs.

Elle vote également les emprunts au niveau national décrétés par la Région pour soutenir le développement régional.

**Page 297; TITRE III: STATUT PARTICULIER DU NORD DU MALI;
CHAPITRE III: AU NIVEAU LOCAL**

36. Le budget de la Commune, de l'Arrondissement et du Cercle sera voté par son Conseil. Il sera alimenté par des recettes locales et par des dotations octroyées par la région sur la base des crédits alloués par l'État ainsi que par des dons et des legs.

**Page 298-99; TITRE IV: DE LA CONSÉCRATION DE LA SOLIDARITÉ ET
DE L'UNITÉ NATIONALES DANS LE NORD DU MALI; SOUS-TITRE A:
MESURES DE CONSÉCRATION DE LA SOLIDARITÉ NATIONALE**

44. Tel que mentionné au paragraphe 11 titre II, la réinsertion des populations déplacées et l'assistance aux victimes de toutes les conséquences du conflit armé du Nord du Mali donneront lieu à la création de deux Fonds:

- un Fonds de développement et de réinsertion

- un Fonds d'assistance et d'indemnisation aux victimes de toutes les conséquences du conflit armé.

45. Ces deux Fonds qui seront créés et dotés dans les trente jours suivant la signature du Pacte, demeureront en activité pendant une année. Ils seront gérés par une Commission bilatérale dans laquelle siègeront des représentants du Gouvernement et des Mouvements.

46. Aux fins de permettre un fonctionnement réussi de ces deux Fonds, les deux Parties s'associent dans un appel à la générosité nationale du peuple malien tout entier et un appel à l'assistance humanitaire et financière de la Communauté internationale.

[...]

50. Le programme spécial de développement sera approuvé par le Gouvernement. Les ressources de ce programme seront annoncées en tant qu'enveloppes quinquennales. Ces crédits seront attribués par l'État, par tranche annuelle à chacune des Assemblées des Régions du Nord du Mali qui en assurera la gestion et l'exécution.

51. Un régime fiscal préférentiel et incitatif sera défini pour le Nord du Mali. Ce régime sera de nature à encourager et attirer l'investissement. Il sera annoncé dans les 03 mois suivant la signature de ce Pacte et demeurera en vigueur pendant une période de 10 ans.

**Page 302-03; TITRE VI: DU CALENDRIER DE MISE EN OEUVRE DES
DISPOSITIONS DU PACTE DE RÉCONCILIATION NATIONALE**

68. Dans les 30 jours suivant la signature du Pacte, seront créés et approvisionnés le Fonds de développement et de réinsertion des populations déplacées et le Fonds d'assistance et d'indemnisation aux victimes de toutes les conséquences du conflit armé.

75. Six mois après la signature du présent Pacte:

[...]

		<p>C - Le régime fiscal préférentiel et incitatif est édicté et appliqué dans le Nord du Mali conformément aux dispositions du titre V paragraphe 51;</p>
tj_dsm	Dispute Settlement Mechanisms	<p>Page 304-05; TITRE VII: DE LA GARANTIE DE LA MISE EN ŒUVRE DU PACTE</p> <p>81. Aux fins de prévenir tout malentendu dans l'application sincère et loyale du présent Pacte, et additionnellement à la Commission du cessez-le-feu visée au titre du paragraphe 8 du présent Document, les deux Parties décident de mettre sur pied une Commission de Suivi et de Mise en Œuvre du Pacte.</p> <p>82. Ladite Commission sera installée dans les 15 jours suivant la signature de l'Accord et mènera sa mission pendant une année. La Commission de Suivi sera composée en permanence de représentants de deux Parties au nombre de 4 pour chacune d'entre elles. Elle sera présidée sur une base régulière par chacune des deux Parties avec alternance mensuelle, la première présidence revenant à la Partie des Mouvements et Fronts Unifiés de l'Azawad.</p> <p>83. La Commission de Suivi tiendra périodiquement des sessions spéciales en présence et sous la présidence du Médiateur qui y désignera ses représentants. Ces sessions chargées d'examiner et de solutionner tout contentieux éventuel lié à la mise en œuvre du présent Pacte, se tiendront à l'issue du deuxième et du troisième mois suivant la signature de l'Accord puis à l'issue du deuxième trimestre, et à l'issue du deuxième semestre suivant la signature. Ces sessions seront sanctionnées par des Procès-Verbaux et des Communiqués de presse. 83bis comme convenu à l'issue de leur troisième rencontre d'Alger durant laquelle elles avaient annoncé leur intention de consulter leurs bases respectives sur l'Accord conclu, les deux Parties ont procédé à ladite consultation.</p>
ia_ver	Verification & Monitoring Mechanism	
ia_pko	Peacekeeping	
ia_adv	International Assistance & Advice	<p>Page 286-91; TITRE II: DE L'ARRÊT DÉFINITIF DES HOSTILITÉS ET DU RÉGLEMENT DES QUESTIONS DÉCOULANT DE LA SITUATION DE CONFLIT ARME</p> <p>8. L'entrée en vigueur du cessez-le-feu et la mise en oeuvre des dispositions le concernant énoncées au paragraphe 7 ci-dessus, seront surveillées par une Commission de Suivi du Cessez-le-feu, composée et animée comme suit: [...]</p> <p>C - Pendant la période de soixante jours de mise en application des mesures énoncées au paragraphe 7 ci-dessus, la Commission du Cessez-le-feu siègera en permanence sous la présidence du Médiateur et avec la participation permanente des représentants de celui-ci. En cas de besoin, cette période pourrait être prolongée jusqu'à parachèvement de la mise en oeuvre des mesures susvisées. [...]</p> <p>E - A l'expiration du premier et du deuxième trimestre et du deuxième semestre suivant la signature du Pacte, la Commission du Cessez-le-feu siègera chaque fois sous la présidence du Médiateur. Ces sessions ponctuelles serviront à</p>

l'examen et au règlement de tout contentieux éventuel lié à sa mission, la dernière session devant servir à proclamer la dissolution de la Commission du Cessez-le-Feu.

[...]

10. Le programme de rapatriement sera conduit en collaboration par le Gouvernement et les Mouvements et en coopération avec les Autorités des Pays d'accueil, ainsi qu'avec les pays amis et les Organisations humanitaires internationales qui seront sollicités à cet effet.

[...]

12. Dans le cas où les deux Parties n'auront pu régler dans le délai mentionné au paragraphe ci-dessus la question de la composition totale de la Commission d'Enquête Indépendante, la Commission du Suivi du Pacte - prévue par le présent Document- réunie sous la présidence du Médiateur, à la fin du premier mois suivant la signature de ce Pacte, sera saisie de la question et dégagera les voies et moyens de dépasser cette entrave pour permettre le fonctionnement de la Commission d'Enquête Indépendante dans les termes convenus entre les deux Parties et rappelés au paragraphe ci-dessous.

14. La Commission Indépendante d'Enquête oeuvrera selon les dispositions arrêtées entre les deux Parties et qui se lisent comme suit: [...]

ORGANISATION DE LA COMMISSION

A- La Commission sera composée comme suit:

- Cinq (05) représentants du Gouvernement de la République du Mali,
- Cinq (05) représentants des Mouvements et Fronts Unifiés de l'Azawad,
- Un maximum de sept (07) et un minimum de cinq (05) experts indépendants choisis d'un commun accord par les deux parties à raison d'un expert par nationalité, dans les pays suivants: Algérie, Niger, Burkina Faso, France, Libye, Mauritanie, Sénégal;

[...]

FONCTIONNEMENT DE LA COMMISSION

[...]

G - Le rapport de la Commission sera adressé au Président de la République du Mali de même qu'il devra être adressé pour ampliation aux Mouvements et Fronts Unifiés de l'Azawad et au Médiateur.

Page 298; TITRE IV: DE LA CONSÉCRATION DE LA SOLIDARITÉ ET DE L'UNITÉ NATIONALES DANS LE NORD DU MALI; SOUS-TITRE A: MESURES DE CONSÉCRATION DE LA SOLIDARITÉ NATIONALE

46. Aux fins de permettre un fonctionnement réussi de ces deux Fonds, les deux Parties s'associent dans un appel à la générosité nationale du peuple malien tout entier et un appel à l'assistance humanitaire et financière de la Communauté internationale.

Page 300; TITRE IV: DE LA CONSÉCRATION, DE LA SOLIDARITÉ ET DE L'UNITÉ NATIONALES DANS LE NORD DU MALI; SOUS-TITRE B MESURES DE CONSÉCRATION DE L'UNITÉ NATIONALE

57. L'unité nationale exigeant l'égalité de droits et devoirs entre tous les citoyens maliens, celle-ci trouvera sa meilleure garantie dans un programme d'enseignement et de formation équitablement appliqué à travers le territoire national. A cet égard, un programme spécial de formation civile et militaire et d'enseignement sera engagé au profit des populations du Nord du Mali, programme qui sera prolongé par une carte nationale d'organisation égalitaire de l'éducation, dans le respect des compétences respectives de chacun des niveaux local, régional et national. En outre, les populations du Nord Mali auront accès aux bourses de formation octroyées dans le cadre de la coopération internationale que ce soit au titre des offres faites à l'État malien ou dans le cadre de programmes de coopération transfrontalières entre collectivités similaires.

Page 301; TITRE V: LA COOPÉRATION SOUS-RÉGIONALE ET INTERNATIONALE AU SERVICE DE LA PAIX ET DU DÉVELOPPEMENT

60. Par ailleurs, l'État du Mali s'engage à solliciter activement le concours des organisations internationales pertinentes (FIDA, PNUD, PAM, UNESCO, BAD, BID...) pour soutenir la résorption du retard économique, social et culturel dans le Nord du Mali.

61. Enfin, l'État du Mali sollicitera des pays amis pour concourir, dans le cadre de la coopération intergouvernementale, à la formation ou au recyclage des jeunes issus des populations déplacées du Nord du Mali qui soit n'ont pu avoir accès à une formation soit ont été contraints de l'arrêter ou soit l'ont reçu à l'étranger.

Page 302; TITRE VI: DU CALENDRIER DE MISE EN OEUVRE DES DISPOSITIONS DU PACTE DE RÉCONCILIATION NATIONALE

68. Dans les 30 jours suivant la signature du Pacte, seront créés et approvisionnés le Fonds de développement et de réinsertion des populations déplacées et le Fonds d'assistance et d'indemnisation aux victimes de toutes les conséquences du conflit armé.

69. Soixante jours après la signature du Pacte, sera lancé avec l'aide des pays hôtes ainsi que des pays amis et des Organisations internationales humanitaires et en coordination entre l'État et les Mouvements, le programme de rapatriement volontaire des populations du Nord déplacées dans les pays de la sous-région. Ce programme sera parachevé dans un délai de soixante jours avec l'assistance à la réinsertion octroyée par les Fonds visés au paragraphe 68 ci-dessus. Durant ce même délai, l'assistance aux personnes demeurées à l'intérieur du pays et sinistrées du fait des conflits sera octroyée.

GENERAL PEACE AGREEMENT FOR MOZAMBIQUE

Page 20-21; PROTOCOL IV; I. Formation of the Mozambican Defence Force; iii. FADM command structures

1. The parties agree to establish a Joint Commission for the Formation of the Mozambican Defence Force (CCFADM) on the following basis:

[...]

(c) CCFADM shall be composed of representatives of the FAM and the RENAMO forces as members, who shall be assisted by representatives of the countries selected by the Parties to advise in the process of forming the FADM. CCFADM shall be inaugurated on the date of the entry into force of the cease-fire (E-Day);

[...]

Page 26; PROTOCOL IV; IV. Functioning of the National Service for People's Security

7. [...]

(c) COMINFO shall be established by the President of the Republic of Mozambique within 15 days following the entry into force of the General Peace Agreement and shall be composed of six citizens nominated by RENAMO, six nominated by the Government, and nine selected as a result of consultations to be held by the President of the Republic with the political forces in the country from among citizens meeting the requirements specified in subparagraph (b);

[...]

Page 30; PROTOCOL IV; VI. Economic and social reintegration of demobilized soldiers; (ii) Reintegration; 2. Reintegration Commission

(b) CORE shall be composed of representatives of the Government and RENAMO, representatives of the invited countries, a representative of the United Nations, who shall preside, and representatives of other international organizations.

ps_pol

Political Power-sharing

Page 34; PROTOCOL V; II. Commission to supervise the cease-fire and monitor respect for and implementation of the agreements between the Parties within the framework of these negotiations; its composition and powers

2. This Commission shall be composed of representatives of the Government, RENAMO, the United Nations, OAU and the countries to be agreed upon by the Parties. The Commission shall be chaired by the United Nations and shall be based at Maputo.

Page 37; PROTOCOL V; III. Specific guarantees for the period from the cease-fire to the holding of the elections

9. Guarantee of legality, stability and tranquility throughout the territory of the Republic of Mozambique.

[...]

(d) In order to ensure greater tranquillity and stability in the period between the entry into force of the cease-fire and the time when the new Government takes office, the Parties agree that the institutions provided for by law for the conduct of the public administration in the areas controlled by RENAMO shall employ only citizens resident in those areas, who may be members of RENAMO. The State shall accord such citizens and the institutions staffed by them the respect, treatment and support required for the discharge of their duties, on the basis of strict equality and without any discrimination in relation to others

performing similar functions and institutions at the same level in other areas of the country.

The relationship between the Ministry of State Administration and the administration in the areas controlled by RENAMO shall be conducted through a National Commission constituted by the Parties for the purpose of facilitating collaboration and good understanding. This Commission shall be composed of four representatives of each of the Parties and shall begin operating 15 days after the signature of the General Peace Agreement.

ps_eco

Economic Power-sharing

Page 20; PROTOCOL IV; I. Formation of the Mozambican Defence Force; i. General Principles

4. The process of forming the FADM shall be conducted simultaneously with the concentration, disarmament and integration into civilian life of the personnel demobilized in stages as a result of the cease-fire. The Government and RENAMO shall be responsible for contributing units drawn from the existing forces of each side; this process shall proceed until the new units of the FADM have been formed, with all existing units being demobilized when the FADM has reached full strength.

[...]

6. By the time of the elections, only the FADM shall exist and shall have the structure agreed upon between the Parties; no other forces may remain in existence. All elements of the existing armed forces of the two Parties which are not incorporated into the FADM shall be demobilized during the period envisaged in section VI.i.3 of this Protocol.

Page 20; PROTOCOL IV; I. Formation of the Mozambican Defence Force; ii. Personnel

2. The personnel of the FADM in each of the service branches shall be provided by the FAM and the forces of RENAMO, each side contributing 50 per cent.

ps_mil

Military Power-sharing

Page 20-23; PROTOCOL IV; I. Formation of the Mozambican Defence Force; iii. FADM command structures

1. The parties agree to establish a Joint Commission for the Formation of the Mozambican Defence Force (CCFADM) on the following basis:

[...]

(c) CCFADM shall be composed of representatives of the FAM and the RENAMO forces as members, who shall be assisted by representatives of the countries selected by the Parties to advise in the process of forming the FADM. CCFADM shall be inaugurated on the date of the entry into force of the cease-fire (E-Day);

(d) CCFADM shall draw up directives on the phasing of the establishment of the FADM structures and shall propose to CSC:

[...]

- The criteria for selection and the selection of FAM personnel and RENAMO forces for the formation of the FADM.

2. FADM High Command

a) The general mission of CS shall be to act on the directives issued by CCFADM, taking into account the establishment of the FADM structures and support for the FADM;

(b) Until the new Government takes office, the command of FADM shall be exercised by two general officers of equal rank, appointed by each of the Parties. Decisions of the command shall be valid only when signed by these two general officers.

(c) The FADM command structure shall be strictly non-political and shall receive directives and orders only through the appropriate chain of command.

(d) The FADM shall have a single logistics service for all three branches. To that end, a Logistics and Infrastructure Command shall be established, under the authority of the FADM High Command.

(e) Appointments to the FADM High Command and the commands of the three branches of the FADM and the Logistics Command shall be proposed by CCFADM and approved by CSC.

(f) Until the new Government takes office, the FADM High Command shall be assisted by the General Staff, with departments headed by general officers or senior officers proposed by CCFADM and approved by CSC.

3. Command of the Army, Air Force and Navy and the Logistics Command,

(a) Army Command

1. The structure of the Army Command shall encompass the military regions under the direct authority of the Army Commander, whose functions are to be determined but which may include the organization and preparation of forces, training, justice, discipline and logistic support to assigned forces.

2. Each military region shall have a commanding officer holding the rank of general, who shall be assisted by a deputy commander.

3. The headquarters of the military regions shall be proposed by the Commander of the Army and approved by CS.

(b) Air Force Command

The Air Force shall be formed having regard to the training and skills of the personnel of the existing Air Force and the existing RENAMO forces, in accordance with the provisions of the directives issued by CCFADM.

(c) Navy Command

The Navy shall be formed having regard to the training and skills of the personnel of the existing Navy and the RENAMO forces, in accordance with the provisions of the directives issued by CCFADM.

(d) Logistics and Infrastructure Command

1. A Logistics and Infrastructure Command shall be set up under the direct authority of the FADM High Command.

2. The Logistics and Infrastructure Command shall have the overall mission of planning and providing administrative and logistic support for the FADM (Army, Air Force and Navy) and ensuring delivery of such support through the FADM General Services. It shall, in particular, be responsible for production and procurement logistics.

3. The Logistics and Infrastructure Command shall be headed by a general, assisted by a deputy commander and a general staff which shall, initially, include the following sections:

- Infrastructure;
- General services;
- Equipment;
- Finance.

4. The Logistics and Infrastructure Command shall have authority over such support units as may be assigned to it.

Page 35; PROTOCOL V; II. Commission to supervise the cease-fire and monitor respect for and implementation of the agreements between the Parties within the framework of these negotiations: its composition and powers,

7. CSC shall have under it the following Commissions:

(a) The Joint Commission for the Formation of the Mozambican Defence Force (CCFADM).

Its powers shall be those specified in Protocol IV, paragraph I (iii) on the formation of the Mozambican Defence Force. CCFADM shall be composed of representatives of the Parties and of the Governments selected by the Parties before the signing of the General Peace Agreement to provide assistance in the process of formation of the FADM in conformity with the provisions of Protocol IV, section I.

<p>tj_amn</p>	<p>Amnesty</p>
<p>tj_pri</p>	<p>Prisoner Release</p>
	<p>Page 46; Protocol VI; III. Release of prisoners, except for those being held for ordinary crimes</p> <p>1. All prisoners who are being held on E-Day, except for those held for ordinary crimes, shall be released by the Parties. 2. The International Committee of the Red Cross, together with the Parties, shall agree on the arrangements for and the verification of the prisoner release process referred to in paragraph 1 above.</p> <p>Page 19; Protocol IV; I. Formation of the Mozambican Defence Force</p> <p>2. The FADM:</p> <p>(b) [...] The composition of the FADM should preclude all forms of racial or ethnic discrimination or discrimination based on language or religious affiliation.</p> <p>Page 25; Protocol IV; IV. Functioning of the National Service for People's Security</p> <p>3. SISE shall:</p> <p>(b) respect the civil and political rights of citizens, as well as the internationally recognized human rights and fundamental freedoms.</p> <p>Page 26; Protocol IV; IV. Functioning of the National Service for People's Security</p> <p>7. (a) For purposes of verifying that the actions of SISE do not violate the legal order or result in violation of the political rights of citizens, a National Information Commission (COMINFO) shall be established;</p>
<p>tj_hum</p>	<p>Human Rights</p> <p>Page 26; Protocol IV; V. Depoliticization and restructuring of the police forces</p> <p>2. The Police of the Republic of Mozambique shall:</p> <p>(b) respect the civil and political rights of citizens, as well as the internationally recognized human rights and fundamental freedoms.</p> <p>Page 27; Protocol IV; V. Depoliticization and restructuring of the police forces</p> <p>5. (b) The activities and prerogatives of the PRM shall be exercised within the limits authorized by the juridical order, but with strict respect for the principles of the State ruled by law and for human rights and fundamental freedoms. These activities may not be directed towards limiting the exercise of the democratic rights of citizens or favouring any political party.</p> <p>Page 37; Protocol V; III. Specific guarantees for the period from the cease-fire to the holding of the elections</p> <p>9. [...]</p> <p>(c) The two Parties undertake to guarantee that the laws and legislative provisions of the Republic of Mozambique, as well as the civil and political rights of citizens and human rights and fundamental freedoms, shall be respected and guaranteed in all parts of the national territory in conformity with Protocol I of 18 October 1991.</p>

<p>tj_min</p>	<p>Indigenous & Minority Rights</p>
<p>tj_wom</p>	<p>Women's Rights & Gender Issues</p>
<p>tj_civ</p>	<p>Page 9; Protocol II; 2. General principles</p> <p>(g) Joining a political party must be a voluntary act reflecting the freedom of citizens to associate with others who share the same political outlook.</p> <p>Page 10; Protocol II; 3. The rights of parties</p> <p>(e) No citizen shall be persecuted or discriminated against because of membership in a political party or political opinion.</p> <p>Page 12-13; Protocol III; I. Freedom of the press and access to the media</p> <p>(a) All citizens shall enjoy the right of freedom of the press and freedom of information. These freedoms shall encompass, specifically, the right to establish and operate newspapers and other publications, radio and television broadcasting stations and other forms of written or sound communication, such as posters, leaflets and other media.</p> <p>These rights shall not be abridged by censorship.</p> <p>(b) Administrative and tax regulations shall in no case be used to hamper or prevent the exercise of this right on political grounds.</p> <p>(c) Freedom of the press shall also include freedom of expression and creation for journalists and the protection of their independence and professional secrecy.</p> <p>(d) The Government-controlled mass media shall enjoy editorial independence and shall guarantee, in accordance with the specific regulations envisaged in section V.3.b.I of this Protocol, the right of all parties to access without political discrimination. Provision should be made in such regulations for access by all parties free of charge.</p> <p>Advertisements which conform to the prevailing commercial practice may not be refused on political grounds.</p> <p>(e) The mass media may not discriminate against or refuse on political grounds any party or its candidates the exercise of the right of reply or the publication of corrections or retractions. Access to the courts shall be guaranteed in cases of defamation, slander, libel and other press offences.</p> <p>Page 13; Protocol III; II. Freedom of association, expression and political activity</p> <p>(a) All citizens shall have the right to freedom of expression, association, assembly, demonstration and political activity. Administrative and tax regulations shall in no case be used to prevent or hamper the exercise of these rights for political reasons. These rights shall not extend to the activities of unlawful private paramilitary groups or groups which promote violence in any form or terrorism, racism or separatism.</p> <p>(b) Freedom of association, expression and political activity shall encompass access, without discrimination, to the use of public places and facilities. Such</p>

use shall be conditional on submission of an application to the competent administrative authorities, who must give a decision within 48 hours after the submission of the application. Applications may be rejected only for reasons of public order or for organizational considerations.

Page 13; Protocol III; III. Liberty of movement and freedom of residence

All citizens shall have the right to move about throughout the country without having to obtain administrative authorization.

All citizens have the right to choose to reside anywhere in the national territory and to leave or return to the country.

Page 14; Protocol III; V. Electoral procedures: system of democratic, impartial and pluralistic voting; 2. The right to vote

(a) Mozambican citizens 18 years of age and over shall have the right to vote, with the exception of individuals suffering from certified mental incapacity or insanity.

(b) As envisaged by item 4 (a) of the Agreed Agenda, Mozambican citizens who are detained or have been sentenced to a prison term for a criminal offence under ordinary law shall not have the right to vote until they complete their sentence. In any event, this restriction shall not apply to individuals belonging to the Parties in respect of acts committed in the course of military operations.

(c) Exercise of the right to vote shall be conditional on registration in the electoral rolls.

(d) With the aim of promoting the broadest possible participation in the elections, the parties agree to encourage all Mozambican citizens 18 years of age and over to register and to exercise their right to vote.

Page 25; Protocol IV; IV. Functioning of the National Service for People's Security

3. SISE shall:

(b) respect the civil and political rights of citizens, as well as the internationally recognized human rights and fundamental freedoms;

Page 26; Protocol IV; V. Depoliticization and restructuring of the police forces

2. The Police of the Republic of Mozambique shall:

(b) respect the civil and political rights of citizens, as well as the internationally recognized human rights and fundamental freedoms;

Page 37; Protocol V; III. Specific guarantees for the period from the cease-fire to the holding of the elections

9. [...]

(c) The two Parties undertake to guarantee that the laws and legislative provisions of the Republic of Mozambique, as well as the civil and political rights of citizens and human rights and fundamental freedoms, shall be respected and guaranteed in all parts of the national territory in conformity with Protocol I of 18 October 1991.

Page 56; Joint Declaration

(v) To safeguard political rights, emphasizing that the principles set forth in Protocol I are valid and also relate to the problem of constitutional guarantees raised by RENAMO and dealt with in the document submitted to President Mugabe. To this end, the Government of the Republic of Mozambique shall submit to the Assembly of the Republic for adoption legal instruments

		incorporating the Protocols and guarantees, as well as the General Peace Agreement, in Mozainbican law;
tj_esc	Economic, Social & Cultural Rights	
tj_vic	Victims & Reparations	<p>Page 13; Protocol III; IV. Return of Mozambican refugees and displaced persons and their social reintegration</p> <p>(a) The parties undertake to cooperate in the repatriation and reintegration of Mozambican refugees and displaced persons in the national territory and the social integration of war-disabled.</p>
tj_ref	Refugees & Internally Displaced Persons	<p>Page 13-14; Protocol III; IV. Return of Mozambican refugees and displaced persons and their social reintegration</p> <p>(a) The parties undertake to cooperate in the repatriation and reintegration of Mozambican refugees and displaced persons in the national territory and the social integration of war-disabled.</p> <p>(b) Without prejudice to the liberty of movement of citizens, the Government shall draw up a draft agreement with RENAMO to organize the necessary assistance to refugees and displaced persons, preferably in their original places of residence. The parties agree to seek the involvement of the competent United Nations agencies in the drawing up and implementation of this plan. The International Red Cross and other organizations to be agreed upon shall be invited to participate in the implementation of the plan.</p> <p>(c) Mozambican refugees and displaced persons shall not forfeit any of the rights and freedoms of citizens for having left their original places of residence.</p> <p>(d) Mozambican refugees and displaced persons shall be registered and included in the electoral rolls together with other citizens in their places of residence.</p> <p>(e) Mozambican refugees and displaced persons shall be guaranteed restitution of property owned by them which is still in existence and the right to take legal action to secure the return of such property from individuals in possession of it.</p> <p>Page 36; Protocol V; III. Specific guarantees for the period from the cease-fire to the holding of the elections</p> <p>6. The Government of the Republic of Mozambique shall draw up in agreement with RENAMO and the relevant United Nations agencies, in accordance with Protocol III, the plan for assistance to refugees and displaced persons, which shall be submitted to the donors' conference the holding of which is agreed upon in Protocol VII.</p>
tj_tru	Truth & Reconciliation Commission	

<p>tj_rec</p>	<p>Reconciliation</p>	<p>Page 5; [Untitled Preamble]</p> <p>The President of the Republic of Mozambique and the President of RENAMO undertake to do everything within their power for the achievement of genuine national reconciliation.</p> <p>Page 54; Joint Declaration</p> <p>Recognizing that: The achievement of peace, democracy and national unity based on national reconciliation is the greatest aspiration and desire of the entire Mozambican people, [...]</p> <p>Supplementing these efforts in the search for peace, democracy and national unity based on reconciliation in Mozambique, [...]</p>
<p>tj_pro</p>	<p>Protection Measures</p>	<p>Page 9; Protocol II: Criteria and Arrangements for the Formation and Recognition of Political Parties; 2. General principles</p> <p>In their formation, structure and operations, political parties shall observe and apply the following general principles with the aim of controlling their actions:</p> <p>(c) The political objectives pursued must be non-regional, non-tribal, non-separatist, non-racial, non-ethnic and non-religious.</p> <p>Page 9-10; Protocol II: Criteria and Arrangements For The Formation and Recognition of Political Parties; 3. The rights of parties</p> <p>The purpose of the Political Parties Act shall be to protect the freedom of action and operation of political parties, with the exception of those which espouse anti-democratic, totalitarian or violent aims, or which conduct their activities in a manner contrary to law. [...]</p> <p>(e) No citizen shall be persecuted or discriminated against because of membership in a political party or political opinion;</p> <p>Page 19; Protocol IV; I. Formation of the Mozambican Defence Force; i. General principles; 2. The FADM</p> <p>(a) Has as its general purpose the defence and safeguarding of the country's sovereignty, independence and territory. During the period between the cease-fire and the time when the new Government takes office, the FADM may, under the FADM High Command, act in cooperation with the Police Command to protect civilian inhabitants against crime and violence of all kinds. Additional functions of the FADM shall be to provide assistance in crisis or emergency situations arising in the country as a result of natural disasters and to provide support for reconstruction and development efforts.</p>
<p>tr_con</p>	<p>Constitutional Reform</p>	<p>Page 38; Protocol V; IV. Constitutional Issues</p> <p>The joint declaration of 7 August 1992 signed by Joaquim Alberto Chissano, President of the Republic of Mozambique, and Afonso Macacho Marceta Dhlakama, President of Renamo, constitutes an integral part of the General Peace Agreement. Accordingly, the principles embodied in Protocol I shall also apply with respect to the problem of constitutional guarantees raised by RENAMO and illustrated in the document submitted to the President of the Republic of Zimbabwe, Robert Gabriel Mugabe, at Gaborone, Botswana, on 4 July 1992. To this end, the Government of the Republic of Mozambique shall submit to the Assembly of the Republic for adoption legal instruments incorporating the Protocols, the guarantees and the General Peace Agreement into Mozambican law.</p>

tr_leg	Legislative Branch Reform
tr_exe	<p>Page 17; Protocol III; V. Electoral procedures: system of democratic impartial and pluralistic voting; 6. Election of the President of the Republic</p> <p>(a) The President of the Republic shall be elected by an absolute majority of ballots cast. If no candidate obtains an absolute majority, a second ballot shall be held restricted to the two candidates who have received the highest number of votes;</p> <p>(b) The second ballot shall take place within one to three weeks after the announcement of the results of the first ballot. Having regard to organizational considerations, the date of the ballot shall be indicated before the commencement of the election campaign;</p> <p>(c) Individuals 35 years of age and over who are citizens and registered voters shall be eligible to stand for election to the office of President of the Republic;</p> <p>(d) Candidacies for President of the Republic must have the support of at least 10,000 signatures of Mozambican citizens 18 years of age and over who are currently registered voters.</p>
tr_jud	Judiciary Reform
tr_adm	<p>Page 37; Protocol V; III. Specific guarantees for the period from the cease-fire to the holding of the elections</p> <p>9. [...]</p> <p>(d) In order to ensure greater tranquillity and stability in the period between the entry into force of the cease-fire and the time when the new Government takes office, the Parties agree that the institutions provided for by law for the conduct of the public administration in the areas controlled by RENAMO shall employ only citizens resident in those areas, who may be members of RENAMO. The State shall accord such citizens and the institutions staffed by them the respect, treatment and support required for the discharge of their duties, on the basis of strict equality and without any discrimination in relation to others performing similar functions and institutions at the same level in other areas of the country.</p>
tr_mil	<p>Page 19-20; Protocol IV; I. Formation of the Mozambican Defence Force; i. General principles</p> <p>1. The Mozambican Defence Force (FADM) shall be formed for service throughout the national territory.</p> <p>2. The FADM:</p> <p>(a) Has as its general purpose the defence and safeguarding of the country's sovereignty, independence and territory. During the period between the cease-fire and the time when the new Government takes office, the FADM may, under the FADM High Command, act in cooperation with the Police Command to protect civilian inhabitants against crime and violence of all kinds. Additional functions of the FADM shall be to provide assistance in crisis or emergency situations arising in the country as a result of natural disasters and to provide support for reconstruction and development efforts;</p>

(b) Shall be non-partisan, career, professionally trained, and competent; it shall be made up exclusively of Mozambican citizens who are volunteers and are drawn from the forces of both Parties. It shall serve the country with professionalism and respect the democratic order and the rule of law. The composition of the FADM should preclude all forms of racial or ethnic discrimination or discrimination based on language or religious affiliation;

3. The process of forming the FADM shall begin after the entry into force of the cease-fire immediately following the inauguration of the Commission provided for in Protocol I of 18 October 1991, to be called the Supervisory and Monitoring Commission (CSC). This process shall be completed prior to the commencement of the election campaign;

4. The process of forming the FADM shall be conducted simultaneously with the concentration, disarmament and integration into civilian life of the personnel demobilised in stages as a result of the ceasefire. The Government and RENAMO shall be responsible for contributing units drawn from the existing forces of each side; this process shall proceed until the new units of the FADM have been formed, with all existing units being demobilised when the FADM has reached full strength.

5. The neutrality of the FADM during the period between the cease-fire and the time when the new Government takes office shall be guaranteed by the Parties through the Commission referred to in section I.iii.1.a of this Protocol.

6. By the time of the elections, only the FADM shall exist and shall have the structure agreed upon between the Parties; no other forces may remain in existence. All elements of the existing armed forces of the two Parties which are not incorporated into the FADM shall be demobilised during the period envisaged in section VI.i.3 of this Protocol.

Page 20; Protocol IV; I. Formation of the Mozambican Defence Force; ii. Personnel

1. The Parties agree that the troop strength of the FADM up until the time when the new Government takes office shall be as follows:

- (a) Army: 24,000
- (b) Air Force: 4,000
- (c) Navy: 2,000

2. The personnel of the FADM in each of the service branches shall be provided by the FAM and the forces of RENAMO, each side contributing 50 per cent.

Page 20-23; Protocol IV; I. Formation of the Mozambican Defence Force; iii. FADM command structures 1/

1. The parties agree to establish a Joint Commission for the Formation of the Mozambican Defence Force (CCFADM) on the following basis:

a) CCFADM shall have specific responsibility for overseeing the process of forming the FADM and shall operate under the authority of CSC;

(b) CCFADM is the body responsible for the formation of the FADM until the time when the new Government takes office. FADM shall be headed by a High Command (CS), which shall be subordinate to CCFADM. After the new Government takes office, the FADM shall be placed under the authority of the new Ministry of Defence or any other body which the new Government may establish;

(c) CCFADM shall be composed of representatives of the FAM and the RENAMO forces as members, who shall be assisted by representatives of the countries selected by the Parties to advise in the process of forming the FADM. CCFADM shall be inaugurated on the date of the entry into force of the ceasefire (E-Day);

(d) CCFADM shall draw up directives on the phasing of the establishment of the FADM structures and shall propose to CSC:

- The rules governing the FADM;

- The budget to be provided for the FADM until the new Government takes office;
- The criteria for selection and the selection of FAM personnel and RENAMO forces for the formation of the FADM;
- The names of the commanding officers of the main commands.

2. FADM High Command

(a) The general mission of CS shall be to act on the directives issued by CCFADM, taking into account the establishment of the FADM structures and support for the FADM;

(b) Until the new Government takes office, the command of FADM shall be exercised by two general officers of equal rank, appointed by each of the Parties. Decisions of the command shall be valid only when signed by these two general officers;

(c) The FADM command structure shall be strictly non-political and shall receive directives and orders only through the appropriate chain of command;

(d) The FADM shall have a single logistics service for all three branches. To that end, a Logistics and Infrastructure Command shall be established under the authority of the FADM High Command;

(e) Appointments to the FADM High Command and the commands of the three branches of the FADM and the Logistics Command shall be proposed by CCFADM and approved by CSC;

(f) Until the new Government takes office, the FADM High Command shall be assisted by the General Staff, with departments headed by general officers or senior officers proposed by CCFADM and approved by CSC.

3. Command of the Army, Air Force and Navy and the Logistics Command:

The FADM High Command shall have authority over the Commands of the three service branches (Army, Air Force and Navy) and the Logistics Command, which shall be organized as follows:

(a) Army Command

1. The structure of the Army Command shall encompass the military regions under the direct authority of the Army Commander, whose functions are to be determined but which may include the organization and preparation of forces, training, justice, discipline and logistic support to assigned forces.

2. Each military region shall have a commanding officer holding the rank of general, who shall be assisted by a deputy commander.

3. The headquarters of the military regions shall be proposed by the Commander of the Army and approved by CS.

(b) Air Force Command

The Air Force shall be formed having regard to the training and skills of the personnel of the existing Air Force and the existing RENAMO forces, in accordance with the provisions of the directives issued by CCFADM.

(c) Navy Command

The Navy shall be formed having regard to the training and skills of the personnel of the existing Navy and the RENAMO forces, in accordance with the provisions of the directives issued by CCFADM.

(d) Logistics and Infrastructure Command

1. A Logistics and Infrastructure Command shall be set up under the direct authority of the FADM High Command.

2. The Logistics and Infrastructure Command shall have the overall mission of planning and providing administrative and logistic support for the FADM (Army, Air Force and Navy) and ensuring delivery of such support through the FADM

General Services. It shall, in particular, be responsible for production and procurement logistics.

3. The Logistics and Infrastructure Command shall be headed by a general, assisted by a deputy commander and a general staff which shall, initially, include the following sections:

- Infrastructure;
- General services;
- Equipment;
- Finance.

4. The Logistics and Infrastructure Command shall have authority over such support units as may be assigned to it.

Page 23; Protocol IV; I. Formation of the Mozambican Defence Force; iv. Timetable for the process

(a) The formation of the FADM shall commence with the appointment of the following:

- CCFADM, prior to the entry into force of the cease-fire (E-Day);
- The FADM High Command on E-Day + 1;
- The commanders of the three service branches and the logistics command;
- The commanders of the military regions;
- The unit commanders.

(b) General staffs shall be organized immediately following the appointment of each command.

(c) The system of administrative and logistics support shall be organized taking into account the new size of the FADM, in accordance with the principle of utilizing or transforming existing structures on the basis of the plans of the FADM High Command, as approved by CCFADM.

Page 23; Protocol IV; I. Formation of the Mozambican Defence Force; v. Technical assistance of foreign countries

The parties shall inform the mediators within 7 (seven) days after the signing of the cease-fire protocol the countries which are to be invited to provide assistance in the process of forming the FADM.

Page 26-28; Protocol IV; V. Depoliticisation and restructuring of the police forces

1. During the period between the entry into force of the ceasefire and the assumption of power by the new Government, the Police of the Republic of Mozambique (PRM) shall continue to perform its functions under the responsibility of the Government.

2. The Police of the Republic of Mozambique shall:

(a) perform its duties and functions strictly in accordance with the spirit and the letter of internationally recognized democratic principles;

(b) respect the civil and political rights of citizens, as well as the internationally recognized human rights and fundamental freedoms;

(c) be guided in the performance of its functions by the interests of the State and common welfare, in a manner free from any partisan or ideological considerations or regard for social standing and from any other form of discrimination;

(d) act at all times in conformity with the terms and spirit of the General Peace Agreement;

(e) act at all times with impartiality and independence vis-a-vis all political parties.

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Police Reform

	<p>3. The PRM shall be composed of citizens selected on the basis of criteria that are in conformity with the principles specified above.</p> <p>4. The basic tasks of the PRM shall be:</p> <p>(a) to ensure respect for and defence of the law;</p> <p>(b) to maintain public order and tranquillity and to prevent and suppress crime;</p> <p>(c) to guarantee the existence of a climate of social stability and harmony.</p> <p>5. (a) The measures taken by the PRM, as well as all actions of its agents, shall at all times be governed by the law and the legislative provisions in force in the Republic of Mozambique and by the principles agreed upon in the General Peace Agreement;</p> <p>(b) The activities and prerogatives of the PRM shall be exercised within the limits authorised by the juridical order, but with strict respect for the principles of the State ruled by law and for human rights and fundamental freedoms. These activities may not be directed towards limiting the exercise of the democratic rights of citizens or favouring any political party.</p> <p>6. The Commander and Deputy Commander of the PRM shall be appointed by the President of the Republic of Mozambique.</p> <p>7. (a) For purposes of verifying that the actions of the PRM do not violate the legal order or result in violation of the political rights of citizens, a National Police Affairs Commission (COMPOL) shall be established;</p> <p>(b) COMPOL shall be composed of 21 members whose professional and personal qualities and past record afford guarantees of balance, effectiveness and independence vis-à-vis all political parties;</p> <p>(c) COMPOL shall be established by the President of the Republic of Mozambique within 15 days following the entry into force of the General Peace Agreement and shall be composed of six citizens nominated by RENAMO, six nominated by the Government, and nine selected as a result of consultations to be held by the President of the Republic with the political forces in the country from among citizens meeting the requirements specified in subparagraph (b);</p> <p>(d) COMPOL shall have full powers to investigate any matter relating to the activity of PRM that is held to be contrary to the legal order and to the principles specified in paragraphs 1, 2, 4 and 5. On being apprised of a matter, the Commission shall conduct a preliminary internal analysis in order to determine whether it falls within the sphere of police activities. The Commission shall decide to proceed with the investigations if more than half of its members so agree;</p> <p>(e) COMPOL shall submit systematic reports on its activities to CSC;</p> <p>(f) COMPOL shall inform the competent State authorities of any irregularities detected, in order that they may take the appropriate judicial or disciplinary measures.</p>
<p>tr_edu Education Reform</p>	
<p>tr_med Media Reform</p>	<p>Page 12-13; Protocol III; I. Freedom of the press and access to the media</p> <p>(a) All citizens shall enjoy the right of freedom of the press and freedom of information. These freedoms shall encompass, specifically, the right to establish and operate newspapers and other publications, radio and television broadcasting stations and other forms of written or sound communication, such as posters, leaflets and other media.</p>

These rights shall not be abridged by censorship.

(b) Administrative and tax regulations shall in no case be used to hamper or prevent the exercise of this right on political grounds.

(c) Freedom of the press shall also include freedom of expression and creation for journalists and the protection of their independence and professional secrecy.

(d) The Government-controlled mass media shall enjoy editorial independence and shall guarantee, in accordance with the specific regulations envisaged in section V.3.b.1 of this Protocol, the right of all parties to access without political discrimination. Provision should be made in such regulations for access by all parties free of charge. Advertisements which conform to the prevailing commercial practice may not be refused on political grounds.

(e) The mass media may not discriminate against or refuse on political grounds any party or its candidates the exercise of the right of reply or the publication of corrections or retractions. Access to the courts shall be guaranteed in cases of defamation, slander, libel and other press offences.

Page 20; Protocol IV; I. Formation of the Mozambican Defence Force; i. General principles

4. The process of forming the FADM shall be conducted simultaneously with the concentration, disarmament and integration into civilian life of the personnel demobilised in stages as a result of the cease-fire. The Government and RENAMO shall be responsible for contributing units drawn from the existing forces of each side; this process shall proceed until the new units of the FADM have been formed, with all existing units being demobilised when the FADM has reached full strength.

6. By the time of the elections, only the FADM shall exist and shall have the structure agreed upon between the Parties; no other forces may remain in existence. All elements of the existing armed forces of the two Parties which are not incorporated into the FADM shall be demobilized during the period envisaged in section VI.i.3 of this Protocol.

Page 25; Protocol IV; III. Activities of private and irregular armed groups

1. Except as provided in paragraph 3 below, paramilitary, private and irregular armed groups active on the day of entry into force of the cease-fire shall be disbanded and prohibited from forming new groups of the same kind.

2. CCF shall monitor and verify the disbanding of the private and irregular armed groups and shall collect their weapons and ammunition. CSC shall decide the final disposition of the weapons and ammunition collected.

Page 28-29; Protocol IV; VI. Economic and social reintegration of demobilised soldiers; (i) Demobilisation

1. Demobilisation of the FAM and the forces of RENAMO means the process whereby, at the decision of the respective Parties, soldiers who on E-Day were members of those forces revert for all purposes to the status of civilians.

2. Cease-fire Commission

(a) On E-Day, the cease-fire Commission (CCF) shall be established and begin its functions under the direct supervision of CSC;

(b) CCF shall be composed of representatives of the Government, RENAMO, the invited countries and the United Nations. CCF shall be presided over by the United Nations;

(c) CCF shall be based in Maputo and shall be structured as follows:
– Regional offices (North, Centre and South);
– Offices at the assembly and billeting locations of the two Parties.

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Demobilization,
Disarmament &
Reintegration

(d) CCF shall have, inter alia, the function of implementing the demobilisation process, with the following tasks:

- Planning and organization;
- Regulation of procedures;
- Direction and supervision;
- Registration of troops to be demobilised and issue of the respective identity cards;
- Collection, registration and custody of weapons, ammunition, explosives, equipment, uniforms and documentation; destroying or deciding on the other disposition of weapons, ammunition, explosives, equipment, uniforms and documentation as agreed by the Parties;
- Medical examinations;
- Issue of demobilisation certificates.

(e) The United Nations shall assist in the implementation, verification and monitoring of the entire demobilisation process.

3. Timetable

E-Day: Installation of CCF and commencement of its functions

E-Day + 30: Definition by both Parties of the troops to be demobilised; activation of demobilisation structures and initiation of the process

E-Day + 60: Demobilisation of at least 20 per cent of the total troops to be demobilised

E-Day + 90: Demobilisation of at least a further 20 per cent of the total troops to be demobilised

E-Day + 120: Demobilisation of at least a further 20 per cent of the total troops to be demobilised

E-Day + 150: Demobilisation of at least a further 20 per cent of the total troops to be demobilised

E-Day + 180: End of demobilisation of the troops to be demobilised.

Page 29-30; Protocol IV; VI. Economic and social reintegration of demobilised soldiers; (ii) Reintegration

1. The term “demobilised soldier” means an individual who:

- up until E-Day was a member of the FAM or the RENAMO forces;
- subsequent to E-Day was demobilised at the decision of the relevant command, and handed over the weapons, ammunition, equipment, uniform and documentation in his possession;
- has been registered and has received the relevant identity card;
- has received the demobilisation certificate.

For all purposes, demobilised soldiers of both Parties shall become civilians and shall be accorded equal treatment by the State.

2. Reintegration Commission

(a) A Reintegration Commission (CORE) shall be established. CORE shall operate under the direct authority of CSC and shall initiate its functions on E-Day.

(b) CORE shall be composed of representatives of the Government and RENAMO, representatives of the invited countries, a representative of the United Nations, who shall preside, and representatives of other international organizations;

(c) CORE shall be based at Maputo and shall be structured as follows:

- Regional offices (North, Centre and South);
- Provincial offices in each provincial capital.

(d) The assignment of CORE shall be to effect the economic and social reintegration of demobilised soldiers, and it shall for this purpose conduct the following tasks:

- Planning and organization;
- Regulation of procedures;
- Direction and supervision;
- Monitoring.

3. Resources

The economic and social reintegration of demobilised soldiers (demobilisation allowances, technical and/or vocational training, transport, etc.) will depend on the resources made available within the framework of the Donors Conference as referred to in item 6 of the Agreed Agenda of 28 May 1991.

Page 43; Protocol VI; I. Cessation of the armed conflict; 8. Demobilization

Shall take place as stipulated in section VI of Protocol IV.

Page 23; Protocol IV; I. Formation of the Mozambican Defence Force; iv. Timetable for the process

(a) The formation of the FADM shall commence with the appointment of the following:

- CCFADM, prior to the entry into force of the ceasefire (E-Day);
- The FADM High Command on E-Day + 1;
- The commanders of the three service branches and the logistics command;
- The commanders of the military regions;
- The unit commanders.

(b) General staffs shall be organized immediately following the appointment of each command;

(c) The system of administrative and logistics support shall be organized taking into account the new size of the FADM, in accordance with the principle of utilizing or transforming existing structures on the basis of the plans of the FADM High Command, as approved by CCFADM.

Page 29; Protocol IV; VI. Economic and social reintegration of demobilized soldiers; 3. Timetable

E-Day: Installation of CCF and commencement of its functions

E-Day + 30: Definition by both Parties of the troops to be demobilised; activation of demobilisation structures and initiation of the process

E-Day + 60: Demobilisation of at least 20 per cent of the total troops to be demobilised

E-Day + 90: Demobilisation of at least a further 20 per cent of the total troops to be demobilised

E-Day + 120: Demobilisation of at least a further 20 per cent of the total troops to be demobilised

E-Day + 150: Demobilisation of at least a further 20 per cent of the total troops to be demobilised

E-Day + 180: End of demobilisation of the troops to be demobilised.

Page 33-34; Protocol V; I. Timetable for the conduct of the electoral process

1. The elections to the Assembly of the Republic and the post of President of the Republic shall be held simultaneously and shall take place one year after the date of signature of the General Peace Agreement, as provided for in Protocol III.

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Transitional
Timeline

2. Further to the provisions set forth in Protocol III, the Parties also agree as follows:

(a) By E-Day + 60, the Government shall establish the National Elections Commission provided for in Protocol III;

(b) Immediately following the signature of the General Peace Agreement, the Government, for purposes of the provisions of Protocol III, shall request technical and material support from the United Nations and OAU;

(c) The Government shall draft the Electoral Act in consultation with RENAMO and the other parties within at most two months from the adoption by the Assembly of the Republic of the legal instruments incorporating the Protocols and guarantees, as well as the General Peace Agreement into Mozambican law. The approval and publication of the Electoral Act shall take place within at most one month following the completion of its drafting;

(d) Within 60 days following the signature of the General Peace Agreement, the Government and RENAMO shall agree on the observers to be invited for the electoral process. The Government shall draw up the corresponding invitations;

(e) The election campaign shall begin 45 days before the date of the elections;

(f) By the date of commencement of the election campaign, all parties taking part must have been registered and have submitted their lists of candidates as well as their respective symbols;

(g) By the date of commencement of the election campaign, the candidates for the Presidency of the Republic must have submitted their candidacies in conformity with the legally prescribed requirements;

(h) The election campaign shall conclude 48 hours before the start of voting;

(i) The elected Assembly of the Republic shall take office 15 days after the publication of the lists giving the results of the election. The lists giving the results of the election shall be published not more than eight days after the closure of voting;

(j) The investiture of the elected President of the Republic shall take place one week after the elected Assembly of the Republic has taken office.

Page 45; Protocol VI; II. Operational timetable for the cease-fire

E-Day:

Entry into force of the cease-fire and beginning of United Nations verification
Beginning of the cessation of the armed conflict (CAC)
Beginning of the separation of forces phase

E-Day +5:

End of the separation of forces phase

E-Day +6:

Beginning of the concentration of forces phase Beginning of the withdrawal of foreign forces and contingents from the country

E-Day +30:

End of the concentration of forces phase
End of the withdrawal of foreign forces and contingents from the country

E-Day +180:

End of the demobilisation phase and of the CAC

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Electoral & Political
Party Reform

Page 8-11; Protocol II: Criteria and Arrangements for the Formation and Recognition of Political Parties

1. The nature of political parties

(a) Political parties shall be independent, voluntary and free associations of citizens, national in scope, whose primary purpose shall be to give democratic expression to the will of the people and to provide for democratic participation in the exercise of political power in accordance with the fundamental rights and freedoms of citizens and on the basis of electoral processes at all levels of State organization.

(b) Associations whose primary purpose is to promote local or sectoral interests or the exclusive interests of a given social group or class of citizens shall be different from political parties and may not enjoy the status provided for by law for such parties.

(c) The Political Parties Act shall determine the conditions for the acquisition of the status of juridical person by political parties.

(d) Political parties shall be granted specific privileges, which shall be guaranteed by law.

(e) For the operation and full development of a multi-party democracy based on respect for and guarantees of basic rights and freedoms and based on pluralism of democratic political expression and organization under which political power belongs exclusively to the people and is exercised in accordance with principles of representative and pluralistic democracy, the parties must have fundamentally democratic principles by which they must abide in practice and in their political activities.

2. General principles

In their formation, structure and operations, political parties shall observe and apply the following general principles with the aim of controlling their actions:

(a) They must pursue democratic purposes;

(b) They must pursue national and patriotic interests;

(c) The political objectives pursued must be non-regional, non-tribal, non-separatist, non-racial, non-ethnic and non-religious;

(d) The members of political parties must be citizens of Mozambique;

(e) The parties must have a democratic structure and the bodies must be transparent;

(f) The parties must accept democratic methods for the pursuit of their aims;

(g) Joining a political party must be a voluntary act reflecting the freedom of citizens to associate with others who share the same political outlook.

3. The rights of parties

The purpose of the Political Parties Act shall be to protect the freedom of action and operation of political parties, with the exception of those which espouse anti-democratic, totalitarian or violent aims, or which conduct their activities in a manner contrary to law.

Parties shall enjoy the following rights:

(a) Equal rights and duties before the law;

(b) Every Party shall have the right freely and publicly to propound its policies;

(c) Specific guarantees shall be provided with respect to access to the mass media, sources of public funding and public facilities, in accordance with the principle of non-discrimination and on the basis of criteria of representativeness to be specified in the Electoral Act;

(d) Exemption from taxes and fees as provided for by law;

(e) No citizen shall be persecuted or discriminated against because of membership in a political party or political opinion;

(f) Other aspects specific to individual political parties shall be determined in their respective statutes or regulations, which must conform with the law. Public notice shall be given of such statutes or regulations.

4. Duties of parties

Political parties shall fulfil the following requirements:

(a) They shall be identified by name, acronym and symbol. The use of names, acronyms or symbols which may be considered offensive by the inhabitants or which incite to violence and may have divisive connotations based on race, region, tribe, gender or religion shall be prohibited;

(b) They shall not call into question the country's territorial integrity and national unity;

(c) They must establish their organs and organize their internal structure on the basis of the principle of democratic election and responsibility of all individuals holding party office;

(d) They must ensure that their statutes and programmes are approved by a majority of their members or by assemblies representing those members;

(e) As regards their internal organization, Parties must fully respect the principle of free adherence of their members, who may not be compelled to join or remain in a party against their will;

(f) They must be registered and disclose annually their accounts and sources of funding.

5. Registration

(a) The purpose of registration is to certify that the founding and existence of parties is in accordance with the applicable legal principles and, consequently, to confer on parties the status of juridical person;

(b) For the purposes of registration, each Party must have collected at least 2,000 signatures;

(c) Responsibility for registering parties shall rest with the Government;

(d) The Commission provided for in paragraph 5 of Protocol I on basic principles shall consider and settle any disputes which may arise in connection with the registration of parties. For that purpose the Government shall make available to the Commission the documents required by law.

6. Implementation

(a) The Parties agree that, immediately following the signature of the General Peace Agreement, Renamo shall commence its activities as a political party, with the privileges provided for by law; it shall, however, be required to submit at a later date the documents required by law for registration;

(b) Pursuing the method of dialogue, collaboration and regular consultation, the parties agree to establish, in connection with the discussion of item 5 of the Agreed Agenda, the timetable of activities necessary for the proper implementation of this Protocol.

Page 12; Protocol III

This Protocol sets forth the general principles which should guide the drafting of the Electoral Act and any possible amendments to the laws in connection with the conduct of the electoral process.

The Electoral Act shall be drafted by the Government, in consultation with RENAMO and all other political parties.

Page 14-17; Protocol III; V. Electoral procedures: system of democratic, impartial and pluralistic voting

1. General Principles

(a) The Electoral Act shall establish an electoral system which is consonant with the principles of the direct, equal, secret and personal ballot;

(b) Elections to the Assembly of the Republic and for President of the Republic shall be held simultaneously;

(c) The elections shall take place within one year after the date of the signing of the General Peace Agreement. This period may be extended if it is determined that circumstances exist which preclude its observance.

2. The right to vote

(a) Mozambican citizens 18 years of age and over shall have the right to vote, with the exception of individuals suffering from certified mental incapacity or insanity;

(b) As envisaged by item 4 (a) of the Agreed Agenda, Mozambican citizens who are detained or have been sentenced to a prison term for a criminal offense under ordinary law shall not have the right to vote until they complete their sentence. In any event, this restriction shall not apply to individuals belonging to the Parties in respect of acts committed in the course of military operations;

(c) Exercise of the right to vote shall be conditional on registration in the electoral rolls;

(d) With the aim of promoting the broadest possible participation in the elections, the parties agree to encourage all Mozambican citizens 18 years of age and over to register and to exercise their right to vote.

3. National elections commission

(a) For the purpose of organizing and conducting the electoral process, the Government shall set up a National Elections Commission, composed of individuals whose professional and personal qualities afford guarantees of balance, objectivity and independence vis-à-vis all political parties. One third of the members to be appointed to the Commission shall be nominated by RENAMO;

(b) The Commission shall have the following functions:

1. To draw up, in consultation with the political parties, regulations governing election campaigning, regulations on the distribution of broadcast air time and regulations on the utilization of public and private places and facilities during the election campaign;

2. To oversee the compilation of electoral rolls, the legal filing of candidacies, the public announcement of candidacies and checking and recording the election results;

3. To monitor the electoral process and ensure compliance with the laws;

4. To ensure equality of treatment for citizens in all acts relating to the elections;

5. To receive, consider and settle complaints with respect to the validity of the elections;

6. To ensure equal opportunity and treatment for the different candidates;

7. To review the election accounts;

8. To draw up and have published in the national gazette (Boletim da Republica) the lists of the results of the final vote tally.

4. Voting Assemblies

(a) At each polling place there shall be a Voting Assembly composed of:

- All citizens who are to exercise their right to vote at the given polling place;
- Representative of the various candidates and parties.

(b) Each Voting Assembly shall be presided over by a Ballot Board composed of a Chairman, a vice-chairman-cum-secretary and tellers which shall oversee the electoral operations;

(c) The members of the Ballot Board shall be appointed from among the voters belonging to the Voting Assembly in question, with the agreement of the representatives of the various candidates;

(d) The ballot boards shall be responsible for monitoring all electoral operations and transmitting the results to the National Elections Commission;

(e) Delegates of the candidates or parties in the Voting Assembly shall have the right:

1. To monitor all electoral operations;
2. To examine the rolls compiled or utilized by the Board;
3. To be heard and to receive clarifications with respect to all matters relating to the conduct of the Assembly;
4. To submit complaints;
5. To occupy the places closest to the Assembly Board;
6. To initial and sign the official records of the Assembly and to monitor all acts related to the electoral operations.

(f) Any complaints shall be included in the official records and transmitted to the National Elections Commission.

5. Election to the Assembly of the Republic

(a) The country's provinces shall constitute electoral districts. The National Elections Commission shall decide on the apportionment of seats to each electoral district on the basis of population;

(b) The Electoral Act shall provide for an electoral system based on the principle of proportional representation for election to the Assembly;

(c) Parties which intend to stand jointly for elections to the Assembly must submit lists under a single emblem

(d) Once the election campaign has begun, the combining of electoral lists for the purpose of pooling votes shall not be permitted;

(e) Citizens 18 years of age and over shall be eligible to stand for election to the Assembly of the Republic. The parties agree, however, on the desirability of raising the minimum age to 25 for the forthcoming elections as a transitional measure;

(f) A minimum percentage of votes cast nationwide shall be established, below which competing political parties may not have a seat in the Assembly. This percentage shall be agreed in consultation with all political parties in the country and shall not be less than 5 per cent or more than 20 per cent;

(g) Representatives of the parties in each electoral district shall be elected in the order in which they appear on the lists.

6. Election of the President of the Republic

(a) The President of the Republic shall be elected by an absolute majority of ballots cast. If no candidate obtains an absolute majority, a second ballot shall be held restricted to the two candidates who have received the highest number of votes;

(b) The second ballot shall take place within one to three weeks after the announcement of the results of the first ballot. Having regard to organizational considerations, the date of the ballot shall be indicated before the commencement of the election campaign;

(c) Individuals 35 years of age and over who are citizens and registered voters shall be eligible to stand for election to the office of President of the Republic;

(d) Candidacies for President of the Republic must have the support of at least 10,000 signatures of Mozambican citizens 18 years of age and over who are currently registered voters.

7. Financing and facilities

(a) The National Elections Commission shall guarantee the distribution to all parties competing in the elections, without discrimination, of subsidies and logistic support for the election campaign apportioned on the basis of the number of each party's candidates and under the supervision of all parties competing in the elections;

(b) The Government undertakes to assist in obtaining facilities and means so that Renamo may secure the accommodation and transport and communications facilities it needs to carry out its political activities in all the provincial capitals, and in other locations to the extent that the available resources so permit;

(c) For these purposes the Government shall seek support from the international community and, in particular, from Italy.

Page 20; Protocol IV; I. Formation of the Mozambican Defence Force; i. General principles

6. By the time of the elections, only the FADM shall exist and shall have the structure agreed upon between the Parties; no other forces may remain in existence. All elements of the existing armed forces of the two Parties which are not incorporated into the FADM shall be demobilized during the period envisaged in section VI.i.3 of this Protocol.

Page 33-34; Protocol V; I. Timetable for the conduct of the electoral process

1. The elections to the Assembly of the Republic and the post of President of the Republic shall be held simultaneously and shall take place one year after the date of signature of the General Peace Agreement, as provided for in Protocol III.

2. Further to the provisions set forth in Protocol III, the Parties also agree as follows:

(a) By E-Day + 60, the Government shall establish the National Elections Commission provided for in Protocol III;

(b) Immediately following the signature of the General Peace Agreement, the Government, for purposes of the provisions of Protocol III, shall request technical and material support from the United Nations and OAU;

(c) The Government shall draft the Electoral Act in consultation with RENAMO and the other parties within at most two months from the adoption by the Assembly of the Republic of the legal instruments incorporating the Protocols and guarantees, as well as the General Peace Agreement, into Mozambican law. The approval and publication of the Electoral Act shall take place within at most one month following the completion of its drafting;

(d) Within 60 days following the signature of the General Peace Agreement, the Government and RENAMO shall agree on the observers to be invited for the electoral process. The Government shall draw up the corresponding invitations;

(e) The election campaign shall begin 45 days before the date of the elections;

(f) By the date of commencement of the election campaign, all parties taking part must have been registered and have submitted their lists of candidates as well as their respective symbols;

(g) By the date of commencement of the election campaign, the candidates for the Presidency of the Republic must have submitted their candidacies in conformity with the legally prescribed requirements;

(h) The election campaign shall conclude 48 hours before the start of voting;

(i) The elected Assembly of the Republic shall take office 15 days after the publication of the lists giving the results of the election. The lists giving the results of the election shall be published not more than eight days after the closure of voting;

(j) The investiture of the elected President of the Republic shall take place one week after the elected Assembly of the Republic has taken office.

Page 35; Protocol V; II. Commission to supervise the cease-fire and monitor respect for and implementation of the agreements between the Parties within the framework of these negotiations: its composition and powers

5. [...]

(b) Guarantee respect for the timetable specified for the cease-fire and the holding of the elections.

Page 35-37; Protocol V; III. Specific guarantees for the period from the cease-fire to the holding of the elections

1. The Government of the Republic of Mozambique shall submit a formal request to the United Nations for its participation in monitoring and guaranteeing the implementation of the General Peace Agreement, in particular the cease-fire and the electoral process, with immediate priority to coordinating and making available food, medical attention and all other forms of support necessary at the assembly and billeting locations for the forces as provided in Protocol VI.

9. [...]

(b) The public administration shall guarantee public tranquillity and stability, and seek to ensure the maintenance of peace and the creation of the climate required for the holding of fair and free general and presidential elections in accordance with the provisions of the General Peace Agreement and the Electoral Act.

[...]

(f)

The Government undertakes not to hold local, district or provincial elections or elections to administrative posts in advance of the forthcoming general elections.

Page 19; Protocol IV; i. General principles; I. Formation of the Mozambican Defence Force

2. The FADM:

(a) [...] Additional functions of the FADM shall be to provide assistance in crisis or emergency situations arising in the country as a result of natural disasters and to provide support for reconstruction and development efforts.

Page 51-52; Declaration By The Government of The Republic of Mozambique and RENAMO On The Guiding Principles For Humanitarian Assistance

I. The Government and RENAMO solemnly agree and undertake to observe the following guiding principles for humanitarian assistance:

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Socio-Economic
Development

	<p>(a) Assistance shall go to all affected Mozambicans, freely and without discrimination;</p> <p>(d) Access shall be permitted to the entire affected population, using all means of transport;</p> <p>(e) The use of all means for the rapid, expeditious distribution of humanitarian assistance shall be permitted and facilitated;</p> <p>(f) Freedom of movement shall be guaranteed for all personnel who, under United Nations/ICRC auspices, are responsible for identifying populations in need, priority areas, means of transport and access routes and for supervising the distribution of assistance;</p> <p>II. In order to provide relief in situations of extreme urgency, which already exist in the country, the parties agree to:</p> <p>(b) To the same end, to permit and facilitate the immediate use and rehabilitation, where necessary, of other access routes to affected populations, including routes coming from neighbouring countries, as agreed to by the parties and communicated by the committee referred to in paragraph V of this Declaration.</p> <p>III. In addition, the Government and RENAMO will continue their negotiations with a view to reaching, as soon as possible, an agreement on the opening of roads and the removal of all obstacles which might prevent the distribution of humanitarian assistance.</p>
<p>tr_cul</p>	<p>Cultural Heritage/ Protections</p>
<p>tr_fin</p>	<p>Financial Arrangements</p>
<p>tj_dsm</p>	<p>Page 10; Protocol II: Criteria and Arrangements For The Formation and Recognition of Political Parties; 5. Registration</p> <p>(d) The Commission provided for in paragraph 5 of Protocol I on basic principles shall consider and settle any disputes which may arise in connection with the registration of parties. For that purpose the Government shall make available to the Commission the documents required by law.</p> <p>Page 28-29; Protocol IV; VI. Economic and social reintegration of demobilized soldiers; (i) Demobilization; 2. Cease-fire Commission</p> <p>(a) On E-Day, the cease-fire Commission (CCF) shall be established and begin its functions under the direct supervision of CSC;</p> <p>(b) CCF shall be composed of representatives of the Government, RENAMO, the invited countries and the United Nations. CCF shall be presided over by the United Nations;</p> <p>(c) CCF shall be based in Maputo and shall be structured as follows: – Regional offices (North, Centre and South); – Offices at the assembly and billeting locations of the two Parties.</p> <p>(d) CCF shall have, inter alia, the function of implementing the demobilisation process, with the following tasks: – Planning and organization; – Regulation of procedures; – Direction and supervision;</p>

- Registration of troops to be demobilised and issue of the respective identity cards;
- Collection, registration and custody of weapons, ammunition, explosives, equipment, uniforms and documentation; destroying or deciding on the other disposition of weapons, ammunition, explosives, equipment, uniforms and documentation as agreed by the Parties;
- Medical examinations;
- Issue of demobilisation certificates.

(e) The United Nations shall assist in the implementation, verification and monitoring of the entire demobilisation process.

Page 34-35; Protocol V; II. Commission to supervise the cease-fire and monitor respect for and implementation of the agreements between the Parties within the framework of these negotiations: its composition and powers

1. Pursuant to Protocol I, the Supervisory and Monitoring Commission (CSC) is established, which shall begin operating upon appointment of its Chairman by the Secretary-General of the United Nations.

2. This Commission shall be composed of representatives of the Government, RENAMO, the United Nations, OAU and the countries to be agreed upon by the Parties. The Commission shall be chaired by the United Nations and shall be based at Maputo.

3. The decisions of CSC shall be taken by consensus between the two Parties.

4. CSC shall draw up its own Rules of Procedure and may whenever it sees fit establish sub-commissions additional to those provided for in paragraph II.7 of the present Protocol.

5. CSC shall in particular:

(a) Guarantee the implementation of the provisions contained in the General Peace Agreement;

(b) Guarantee respect for the timetable specified for the ceasefire and the holding of the elections;

(c) Assume responsibility for the authentic interpretation of the agreements;

(d) Settle any disputes that may arise between the Parties;

(e) Guide and co-ordinate the activities of the subsidiary commissions referred to in paragraph II.7 of this Protocol.

6. CSC shall cease to function when the new Government takes office.

7. CSC shall have under it the following Commissions:

(a) The Joint Commission for the Formation of the Mozambican Defence Force (CCFADM) Its powers shall be those specified in Protocol IV, paragraph I (iii) on the formation of the Mozambican Defence Force. CCFADM shall be composed of representatives of the Parties and of the Governments selected by the Parties before the signing of the General Peace Agreement to provide assistance in the process of formation of the FADM in conformity with the provisions of Protocol IV, section I;

(b) The ceasefire Commission (CCF) Its composition and powers shall be those indicated in Protocol IV, section VI and Protocol VI, section I;

(c) Reintegration Commission (CORE) Its composition and powers shall be those specified in Protocol IV, section VI.

Page 7; Protocol I. Basic Principles

5. The parties agree on the principle of establishing a commission to supervise and monitor compliance with the General Peace Agreement. The commission shall be composed of representatives of the Government, RENAMO, the United Nations and other organizations or Governments to be agreed upon between the parties.

Page 25; Protocol IV; III. Activities of private and irregular armed groups

1. Except as provided in paragraph 3 below, paramilitary, private and irregular armed groups active on the day of entry into force of the cease-fire shall be disbanded and prohibited from forming new groups of the same kind.

2. CCF shall monitor and verify the disbanding of the private and irregular armed groups and shall collect their weapons and ammunition. CSC shall decide the final disposition of the weapons and ammunition collected.

3. CSC may as a temporary measure organize the continued existence of security organizations for the purpose of ensuring the security of specified public or private infrastructures during the period between the cease-fire and the time when the new Government takes office.

4. These security organizations may be authorised to use weapons in the discharge of their duties. The activities of these organizations shall be monitored by CCF.

Page 29; Protocol IV; VI. Economic and social reintegration of demobilized soldiers; (i) Demobilization; 2. Cease-fire Commission

(e) The United Nations shall assist in the implementation, verification and monitoring of the entire demobilization process.

ia_ver

Verification &
Monitoring
Mechanism

Page 34-35; Protocol V; II. Commission to supervise the cease-fire and monitor respect for and implementation of the agreements between the Parties within the framework of these negotiations: its composition and powers

1. Pursuant to Protocol I, the Supervisory and Monitoring Commission (CSC) is established, which shall begin operating upon appointment of its Chairman by the Secretary-General of the United Nations.

2. This Commission shall be composed of representatives of the Government, Renamo, the United Nations, OAU and the countries to be agreed upon by the Parties. The Commission shall be chaired by the United Nations and shall be based at Maputo.

3. The decisions of CSC shall be taken by consensus between the two Parties.

4. CSC shall draw up its own Rules of Procedure and may whenever it sees fit establish sub-commissions additional to those provided for in paragraph II.7 of the present Protocol.

5. CSC shall in particular:
[...]

6. CSC shall cease to function when the new Government takes office.

7. CSC shall have under it the following Commissions:
[...]

Page 35-36; Protocol V; III. Specific guarantees for the period from the cease-fire to the holding of the elections

1. The Government of the Republic of Mozambique shall submit a formal request to the United Nations for its participation in monitoring and

guaranteeing the implementation of the General Peace Agreement, in particular the cease-fire and the electoral process, with immediate priority to coordinating and making available food, medical attention and all other forms of support necessary at the assembly and billeting locations for the forces as provided in Protocol VI.

Page 40-41; Protocol VI; I. Cessation of the armed conflict; 5. The cease-fire

The Parties agree that:

(a) The cease-fire shall enter into force on E-Day.

E-Day is the day on which the General Peace Agreement is adopted by the Assembly of the Republic and incorporated into Mozambican law. The deployment of United Nations personnel in Mozambican territory to verify the cease-fire shall begin the same day.

(c) On E-Day, the United Nations shall begin official verification of compliance with the undertaking described in paragraph (b), investigating any alleged violation of the cease-fire. Any duly substantiated violation shall be reported by the United Nations at the appropriate level;

(d) During the period between the signing of the General Peace Agreement and E-Day, the two Parties agree to observe a complete cessation of hostilities and of the activities described in paragraph (b), in order to allow the United Nations to deploy its personnel in the territory to verify all aspects of the CAC as of E-Day.

Page 41; Protocol VI; I. Cessation of the armed conflict; 6. Separation of forces

The Parties agree that:

(a) The purpose of the separation of forces is to reduce the risk of incidents, to build trust and to allow the United Nations effectively to verify the commitments assumed by the Parties;

(g) All movements shall take place under the supervision and coordination of the United Nations. Neither Party may prevent or jeopardize the movements of the other Party's forces. The United Nations shall supervise all the locations listed in annexes A and B and shall in principle be present 24 hours a day in each of those locations as of E-Day;

(h) During this period of 6 (six) days, no force or individual shall be able to leave assembly and billeting points except to seek medical care or for other humanitarian reasons, and then only with the authorization and under the supervision of the United Nations. In each location, the commander of the troops shall be responsible for maintaining order and discipline and for ensuring that the troops conduct themselves in accordance with the principles and the spirit of this Protocol.

Page 42; Protocol VI; I. Cessation of the armed conflict; 7. Concentration of forces

The Parties agree that:

(d) All movements shall take place under the supervision and coordination of the United Nations and shall be subject to the same conditions as those established for the separation of forces;

Page 43; Protocol VI; I. Cessation of the armed conflict; 10. Miscellaneous provisions

(a) The Parties agree to the following:

2. To allow the United Nations to verify the aspects and data referred to in the preceding paragraph;

4. As of E-Day + 6, troops shall be able to leave their respective assembly and billeting points only with the authorization and under the supervision of the United Nations;

Page 52; Declaration By The Government of The Republic of Mozambique and RENAMO On The Guiding Principles For Humanitarian Assistance

V. Both parties agree that the coordination and supervision of all humanitarian assistance operations carried out under this Declaration shall be the responsibility of a committee presided over by the United Nations. This committee shall be made up of the mediators, the observers to the Rome negotiations and ICRC. The mediators will also have the task of verifying respect for this Declaration and for bringing any complaints or protests to the negotiating table. The committee will report to the parties, in due course, on the operational details.

Page 24; Protocol IV; II. Withdrawal of foreign troops from Mozambican territory

1. The withdrawal of foreign troops from Mozambican territory shall be initiated following the entry into force of the cease-fire (E-Day). The Government of the Republic of Mozambique undertakes to negotiate the complete withdrawal of foreign forces and contingents from Mozambican territory with the Governments of the countries concerned. The modalities and time-frame for the withdrawal shall not contravene any provision of the Cease-fire Agreement or the General Peace Agreement.

2. The Government of the Republic of Mozambique shall submit to CSC the deadlines and plans for implementation of the withdrawal, specifying the exact numbers of troops present in Mozambican territory and their location.

3. The complete withdrawal of foreign forces and contingents from Mozambican territory shall be monitored and verified by the Cease-fire Commission (CCF) referred to in paragraph VI.(i).2 of this Protocol. CCF shall inform CSC of the conclusion of the complete withdrawal of foreign forces from the national territory.

4. In accordance with its mandate CSC, through CCF, will, following the withdrawal of the foreign troops, assume immediate responsibility for verifying and ensuring security of strategic and trading routes, adopting the measures it deems necessary for the purpose.

ia_pko

Peacekeeping

Page 28-29; Protocol IV; VI. Economic and social reintegration of demobilized soldiers, 2. Cease-fire Commission

(b) CCF shall be composed of representatives of the Government, RENAMO, the invited countries and the United Nations. CCF shall be presided over by the United Nations.

(e) The United Nations shall assist in the implementation, verification and monitoring of the entire demobilization process.

Page 34-35; Protocol V; II. Commission to supervise the cease-fire and monitor respect for and implementation of the agreements between the Parties within the framework of these negotiations: its composition and powers

1. Pursuant to Protocol I, the Supervisory and Monitoring Commission (CSC) is established, which shall begin operating upon appointment of its Chairman by the Secretary-General of the United Nations.

2. This Commission shall be composed of representatives of the Government, RENAMO, the United Nations, OAU and the countries to be agreed upon by the Parties. The Commission shall be chaired by the United Nations and shall be based at Maputo.

5. CSC shall in particular:

- (a) Guarantee the implementation of the provisions contained in the General Peace Agreement;
- (b) Guarantee respect for the timetable specified for the cease-fire and the holding of the elections;
- (c) Assume responsibility for the authentic interpretation of the agreements;
- (d) Settle any disputes that may arise between the Parties;
- (e) Guide and coordinate the activities of the subsidiary commissions referred to in paragraph II.7 of this Protocol.

[...]

Page 35-36; Protocol V; III. Specific guarantees for the period from the ceasefire to the holding of the elections

1. The Government of the Republic of Mozambique shall submit a formal request to the United Nations for its participation in monitoring and guaranteeing the implementation of the General Peace Agreement, in particular the cease-fire and the electoral process, with immediate priority to co-ordinating and making available food, medical attention and all other forms of support necessary at the assembly and billeting locations for the forces as provided in Protocol VI.

Page 41-44; Protocol VI; I. Cessation of Armed Conflict

5. [...] In performing their functions, the CCF and the United Nations shall enjoy complete freedom of movement throughout the territory of Mozambique.

(b) As of E-Day, neither of the Parties shall carry out any hostile act or operation by means of forces or individuals under its control. Accordingly, carry out any other military activity which, in the opinion of the CCF and the United Nations, might jeopardise the cease-fire.

(c) On E-Day, the United Nations shall begin official verification of compliance with the undertaking described in paragraph (b), investigating any alleged violation of the cease-fire. Any duly substantiated violation shall be reported by the United Nations at the appropriate level;

(d) During the period between the signing of the General Peace Agreement and E-Day, the two Parties agree to observe a complete cessation of hostilities and of the activities described in paragraph (b), in order to allow the United Nations to deploy its personnel in the territory to verify all aspects of the CAC as of E-Day.

6. Separation of forces.

(a) The Parties agree that: The purpose of the separation of forces is to reduce the risk of incidents, to build trust and to allow the United Nations effectively to verify the commitments assumed by the Parties.

[...]

(e) The locations listed in the above-mentioned annexes shall be those agreed to between the Parties and the United Nations no later than 7 (seven) days after the signing of the General Peace Agreement. The lists shall specify the name and site of the 29 assembly and billeting points for the FAM and the 20 such points for the RENAMO forces.

[...]

(g) All movements shall take place under the supervision and coordination of the United Nations. Neither Party may prevent or jeopardize the movements of the other Party's forces. The United Nations shall supervise all the locations listed in annexes A and B and shall in principle be present 24 hours a day in each of those locations as of E-Day.

(h) During this period of 6 (six) days, no force or individual shall be able to leave assembly and billeting points except to seek medical care or for other humanitarian reasons, and then only with the authorization and under the supervision of the United Nations. In each location, the commander of the troops shall be responsible for maintaining order and discipline and for ensuring that the troops conduct themselves in accordance with the principles and the spirit of this Protocol.

[...]

7. Concentration of forces

The Parties agree that:

[...]

(d) All movements shall take place under the supervision and coordination of the United Nations and shall be subject to the same conditions as those established for the separation of forces.

10. Miscellaneous provisions.

(a) The Parties agree to the following:

1. To supply the United Nations with complete inventories of their troop strength, arms, ammunition, mines and other explosives on E-Day-6, E-Day, E-Day + 6, E-Day + 30 and, thereafter, every 15 days;

2. To allow the United Nations to verify the aspects and data referred to in the preceding paragraph;

3. As of E-Day + 31, all collective and individual weapons, including weapons on board aircraft and ships, shall be stored in warehouses under United Nations control;

4. As of E-Day + 6, troops shall be able to leave their respective assembly and billeting points only with the authorization and under the supervision of the United Nations;

[...]

(c) The foreign forces currently present in the territory of Mozambique must also respect the agreed cease-fire as of E-Day. In accordance with section II of Protocol IV, on E-Day the Government of the Republic of Mozambique shall communicate to the United Nations and the CSC the plans for the withdrawal of foreign troops from Mozambican territory. These plans shall include the numbers and equipment of such troops. Withdrawal shall begin on E-Day + 6 and end on E-Day + 30. All movements must be coordinated and verified by the CCF;

[...]

Page 13; Protocol III; IV. Return of Mozambican refugees and displaced persons and their social reintegration

(b) Without prejudice to the liberty of movement of citizens, the Government shall draw up a draft agreement with RENAMO to organize the necessary assistance to refugees and displaced persons, preferably in their original places of residence. The parties agree to seek the involvement of the competent United Nations agencies in the drawing up and implementation of this plan. The International Red Cross and other organizations to be agreed upon shall be invited to participate in the implementation of the plan.

Page 17; Protocol III; V. Electoral procedures: system of democratic, impartial and pluralistic voting; 7. Financing and facilities

(c) For these purposes the Government shall seek support from the international community and, in particular, from Italy.

Page 17-18; Protocol III; VI. Guarantees for the electoral process and role of international observers

(b) With a view to ensuring the highest degree of impartiality in the electoral process, the parties agree to invite as observers the United Nations, OAU and other organizations, as well as appropriate private individuals from abroad as may be agreed between the Government and RENAMO.

(c) With the aim of expediting the peace process, the parties also agree on the necessity of seeking technical and material assistance from the United Nations and OAU following the signature of the General Peace Agreement.

(d) The Government shall address formal requests to the United Nations and OAU in pursuance of the provisions of this section.

ia_adv

International
Assistance &
Advice

Page 23; Protocol IV; I. Formation of the Mozambican Defence Force; v. Technical assistance of foreign countries

The parties shall inform the mediators within 7 (seven) days after the signing of the cease-fire protocol the countries which are to be invited to provide assistance in the process of forming the FADM.

Page 30; Protocol IV; VI. Economic and social reintegration of demobilized soldiers; (ii) Reintegration; 3. Resources

The economic and social reintegration of demobilized soldiers (demobilization allowances, technical and/or vocational training, transport, etc.) will depend on the resources made available within the framework of the Donor Conference as referred to in item 6 of the Agreed Agenda of 28 May 1991.

Page 33; Protocol V; I. Timetable for the conduct of the electoral process

2. Further to the provisions set forth in Protocol III, the Parties also agree as follows:

(b) Immediately following the signature of the General Peace Agreement, the Government, for purposes of the provisions of Protocol III, shall request technical and material support from the United Nations and OAU; [...]

Page 36; Protocol V; III. Specific guarantees for the period from the cease-fire to the holding of the elections

2. With the means available to it and with the assistance of the international community, the Government of the Republic of Mozambique shall make available to CSC and its subsidiary commissions the logistical support required for their functioning.

6. The Government of the Republic of Mozambique shall draw up in agreement with RENAMO and the relevant United Nations agencies, in accordance with Protocol III, the plan for assistance to refugees and displaced persons, which shall be submitted to the donors' conference the holding of which is agreed upon in Protocol VII.

Page 47; Protocol VII

1. The Parties decide to request the Italian Government to convene a conference of donor countries and organizations to finance the electoral process, emergency programmes and programmes for the reintegration of displaced persons, refugees and demobilised soldiers.

2. The Parties agree to request that, of the funds provided by donor countries, an appropriate share should be placed at the disposal of political parties to finance their activities.

3. The Parties appeal for the donors' conference to be convened no later than 30 days after E-Day. In addition to donor countries and organizations, the Government and RENAMO shall also be invited to send representatives.

Page 52; Declaration By The Government of The Republic of Mozambique and RENAMO On The Guiding Principles For Humanitarian Assistance

V. Both parties agree that the coordination and supervision of all humanitarian assistance operations carried out under this Declaration shall be the responsibility of a committee presided over by the United Nations. This committee shall be made up of the mediators, the observers to the Rome negotiations and ICRC. The mediators will also have the task of verifying respect for this Declaration and for bringing any complaints or protests to the

negotiating table. The committee will report to the parties, in due course, on the operational details.

VI. Both parties agree to participate and cooperate with the international community in Mozambique in formulating action plans, with a view to implementing such plans in accordance with this Declaration. The committee will coordinate such activities. To that end, RENAMO will appoint its representative in the framework of and in accordance with the procedures of the COMIVE, who shall have the status provided for therein.

MEMORANDUM OF SETTLEMENT (BODO ACCORD)

Page 1; 2. Objective

The objective of this scheme is to provide maximum autonomy within the framework of the Constitution to the Bodos for social, economic, educational, ethnic and cultural advancement.

Page 1; 3. (b) Powers

The BAC will comprise of a General Council comprising 40 members, 35 elected on the basis of adult suffrage and having a life of five years. The Government will have powers to nominate 5 members to the Council, particularly from groups which could not otherwise be represented. This Council will have powers to make bye-laws, rules and orders for application within the BAC area on the subjects enumerated in Schedule 'A'.

Page 1; 3. (a) Name: Bodoland Autonomous Council (BAC)

There shall be formed, by an Act of Assam Legislative Assembly, a Bodoland Autonomous Council (BAC) within the State of Assam comprising contiguous geographical areas between river Sankosh and Mazbat/river Pasnoi. The land records authority of the State will scrutinize the list of villages furnished by ABSU /BP AC having 50% and more of tribal population which shall be included in the BAC. For the purpose of providing a contiguous area, even the villages having less than 50% tribal population shall be included. BAC will also include Reserve Forests as per the guidelines laid by Ministry of Defence and Ministry of Environment and Forests, Government of India, not otherwise required by the Government for manning the international border and tea gardens located completely within the BAC contiguous area.

[...]

(c) The Executive Authority of the BAC would be exercised in its Executive Body to be known as Bodoland Executive Council (BEC). The BEC will be responsible for implementation within the BAC area of the laws on subjects enumerated in Schedule 'A'.

ps_pol

Political Power-sharing

Page 2; 4. Finances

(iii) The General Council will have powers to raise finances from levies/fees/taxes etc., on subjects mentioned in Schedule 'A' subject to Constitutional amendment mentioned above.

(iv) The finances for the BAC will be managed exclusively by its General Council and the statement of its annual audited accounts will be laid on the table of the State Assembly.

Page 2; 6. Reservation of Seats

The Election Commission of India will be requested by the BAC to consider seat reservation and delimitation of constituencies, both Lok Sabha and State Assembly, within the BAC area to the extent permitted by the Constitution and the law.

Page 3; 10. Appointment in the Central Bodies

The claims of the Bodos shall be considered for appointment to the North Eastern Council.

Page 4; 17. Appointment of Interim Bodoland Executive Council

The Government of Assam will take steps for the formation of an Interim Bodoland Executive Council for the BAC from amongst the leaders of the present Bodoland movement who are signatories to this settlement, during the transition period, i.e. prior to the holding of election. Such Interim Council would be formed before a prescribed date mutually agreed between the Central and State Governments.

Page 6, List of subjects and Departments over which BAC will have control within the BAC area

1. Cottage Industry.
2. Animal Husbandry and Veterinary.
3. Forests.
4. Agriculture.
5. P.W.D.
6. Sericulture.
7. Education.
 - (a) Adult Education.
 - (b) Primary Education.
 - (c) Up to Higher Secondary including Vocational training.
8. Cultural Affairs.
9. Soil Conservation.
10. Co-operation.
11. Fisheries.
12. Panchayat and Rural Development.
13. Handloom and Textiles.
14. Health and Family Welfare.
15. Public Health Engineering.
16. Irrigation.
17. Social Welfare.
18. Flood Control schemes for protection of villages (not of highly technical nature)
19. Sports and Youth Welfare.
20. Weights and Measures.
21. Library Services.
22. Museums and Archaeology.
23. Urban Development - Town and Country Planning.

Page 2, 4. Finances

(i) (a) The finances for the BAC will be earmarked under a separate subhead within the State budget, in keeping with the guidelines laid down by the Government of India from time to time. The government of Assam would have no powers to divert this earmarked allocation to other heads/areas except in exigencies when there is unavoidable overall Budget cut.

(b) The provisions made in 4 (i) (a) regarding allocation of funds should be in line with the spirit of the Constitution (seventy second) and (seventy third) amendment.

(ii) The BAC would also receive grant-in-aid from time to time within the principles and policies enunciated by the Government of India.

ps_eco

Economic Power-sharing

Page 3, 14. Trade and Commerce

The General Council will have powers to regulate trade and commerce within its jurisdiction in accordance with the existing law. For this purpose, it can issue permits and licences to individuals within the BAC area. The Government of Assam and the Union Government while considering allotment of permits to people residing within the BAC area will give preference to the Bodos.

Page 4, 21. Ad-hoc Central grant for launching the BAC

After the signing of this settlement, an ad-hoc Budget on reasonable basis will be prepared by Interim BEC and discussed with the State and Central Governments for necessary financial support.

<p>ps_mil</p> <p>Military Power-sharing</p>	<p>Page 3-4; 16. Civil and Police Services</p> <p>(i) The Government of Assam may from time to time post officers of the rank of Class II and above to posts within the BAC in accordance with the exigencies. While making these postings due regard will be given to, views of BAC about officers being so posted.</p> <p>(ii) The officers posted to the BAC area will be accountable to the BAC for their performance and the assessment of their work recorded by the BEC authorities, will be incorporated to their ACRs by the State Government.</p> <p>(iii) The Central Government, while making recruitments from the State of Assam to the Army, para military forces and police units, will hold special recruitment drives within the BAC area.</p>
<p>tj_amn</p> <p>Amnesty</p>	<p>Page 4; 18. Relief and Rehabilitation</p> <p>(ii) The Government of Assam will consider sympathetically the withdrawal of all cases against persons connected with the Bodoland Movement excluding those relating to heinous crimes.</p>
<p>tj_pri</p> <p>Prisoner Release</p>	
<p>tj_hum</p> <p>Human Rights</p>	<p>Page 4; 20. Protection of rights of non-tribals</p> <p>The Government of Assam and the BAC will jointly ensure that all rights and interests of the non-tribals as on date living in BAC area in matters pertaining to land as well as their language are protected.</p>
<p>tj_min</p> <p>Indigenous & Minority Rights</p>	<p>Page 1; 2. Objective</p> <p>The objective of this scheme is to provide maximum autonomy within the framework of the Constitution to the Bodos for social, economic, educational, ethnic and cultural advancement. [...]</p> <p>Page 2; 7. Special provisions for the BAC area</p> <p>The General Council shall be consulted and its views shall be given due regard before any law made on the following subjects, is implemented in the BAC area:</p> <p>i) the religious or social practice of the Bodos; ii) the Bodo customary laws and procedures; and iii) the ownership and transfer of land within the BAC area.</p> <p>Page 2; 8. Special status for the Bodoland Autonomous Council</p> <p>The BAC shall, within the laws of the land, take steps to protect the demographic complexion of the areas falling within its jurisdiction.</p> <p>Page 3; 9. Special Courts</p> <p>Action will be taken in consultation with the Guwahati High Court to set up within BAC area Special Courts as specified below to try suits and cases between parties all of whom belong to Scheduled Tribe or Tribes in accordance with the tribal customary law and procedure, if any.</p>

(a) village Courts

(b) Subordinate District Customary Law Courts within a civil Sub Divisional Territory, and

(c) District Customary Law Court.

Page 3; 11. Official Language

The General Council can lay down policy with regard to use of Bodo language as medium of official correspondence within the BAC area. However, while corresponding with offices outside the BAC area, correspondence will have to be in bilingual form in accordance with the Article 345 of the Constitution and the provision of law in this behalf.

Page 3; 13. Revision of List of Scheduled Castes and Scheduled Tribes

The scheduling and de-scheduling of Scheduled Castes and Scheduled Tribes residing within the Bodo areas will be done as per the Commission appointed by the Government of India under the Constitution.

Page 3; 16. Civil and Police Services

(i) The Government of Assam may from time to time post officers of the rank of Class II and above to posts within the BAC in accordance with the exigencies. While making these postings due regard will be given to, views of BAC about officers being so posted.

Page 4; 20. Protection of rights of non-tribals

The Government of Assam and the BAC will jointly ensure that all rights and interests of the non-tribals as on date living in BAC area in matters pertaining to land as well as their language are protected.

tj_wom

Women's Rights &
Gender Issues

tj_civ

Civil & Political
Rights

tj_esc

Economic, Social &
Cultural Rights

tj_vic

Victims &
Reparations

Page 4; 18. Relief and Rehabilitation

(iv) The Government of Assam will initiate immediate steps for suitable rehabilitation of the Bodo militants coming overground as a result of this settlement. Similarly, the Government will organise ex-gratia payments as per rules to next of the kins killed during the Bodo agitation.

<p>tj_ref</p>	<p>Refugees & Internally Displaced Persons</p>
<p>tj_tru</p>	<p>Truth & Reconciliation Commission</p>
<p>tj_rec</p>	<p>Reconciliation</p>
<p>tj_pro</p>	<p>Protection Measures</p> <p>Page 4; 20. Protection of rights of non-tribals</p> <p>The Government of Assam and the BAC will jointly ensure that all rights and interests of the non-tribals as on date living in BAC area in matters pertaining to land as well as their language are protected.</p> <p>Page 2; 8. Special status for the Bodoland Autonomous Council</p> <p>The BAC shall, within the laws of the land, take steps to protect the demographic complexion of the areas falling within its jurisdiction.</p>
<p>tr_con</p>	<p>Constitutional Reform</p> <p>Page 1; 2. Objective</p> <p>The objective of this scheme is to provide maximum autonomy within the framework of the Constitution to the Bodos for social, economic, educational, ethnic and cultural advancement.</p> <p>Page 1; 3. (a) Name: Bodoland Autonomous Council (BAC)</p> <p>There shall be formed, by an Act of Assam Legislative Assembly, a Bodoland Autonomous Council (BAC) within the State of Assam comprising contiguous geographical areas between river Sankosh and Mazbat/river Pasnoi. The land records authority of the State will scrutinize the list of villages furnished by ABSU /BP AC having 50% and more of tribal population which shall be included in the BAC. For the purpose of providing a contiguous area, ever the villages having less than 50% tribal population shall be included. BAC will also include Reserve Forests as per the guidelines laid by Ministry of Defence and Ministry of Environment and Forests, Government of India, not otherwise required by the Government for manning the international border and tea gardens located completely within the BAC contiguous area.</p> <p>Page 2; 4. Finances</p> <p>(iii) The General Council will have powers to raise finances from levies/fees/taxes etc., on subjects mentioned in Schedule 'A' subject to Constitutional amendment mentioned above.</p> <p>Page 6, List of subjects and Departments over which BAC will have control within the BAC area</p> <ol style="list-style-type: none"> 1. Cottage Industry. 2. Animal Husbandry and Veterinary. 3. Forests.

		<ol style="list-style-type: none"> 4. Agriculture. 5. P.W.D. 6. Sericulture. 7. Education. <ol style="list-style-type: none"> (a) Adult Education. (b) Primary Education. (c) Up to Higher Secondary including Vocational training. 8. Cultural Affairs. 9. Soil Conservation. 10. Co-operation. 11. Fisheries. 12. Panchayat and Rural Development. 13. Handloom and Textiles. 14. Health and Family Welfare. 15. Public Health Engineering. 16. Irrigation. 17. Social Welfare. 18. Flood Control schemes for protection of villages (not of highly technical nature) 19. Sports and Youth Welfare. 20. Weights and Measures. 21. Library Services. 22. Museums and Archaeology. 23. Urban Development - Town and Country Planning.
tr_leg	Legislative Branch Reform	<p>Page 1; 3. (b) Powers</p> <p>The BAC will comprise of a General Council comprising 40 members, 35 elected on the basis of adult suffrage and having a life of five years. The Government will have powers to nominate 5 members to the Council, particularly from groups which could not otherwise be represented. This Council will have powers to make bye-laws, rules and orders for application within the BAC area on the subjects enumerated in Schedule 'A'.</p>
tr_exe	Executive Branch Reform	<p>Page 1; 3. (a) Name: Bodoland Autonomous Council (BAC)</p> <p>[...]</p> <p>(c) The Executive Authority of the BAC would be exercised in its Executive Body to be known as Bodoland Executive Council (BEC). The BEC will be responsible for implementation within the BAC area of the laws on subjects enumerated in Schedule 'A'.</p> <p>Page 4; 17. Appointment of Interim Bodoland Executive Council</p> <p>The Government of Assam will take steps for the formation of an Interim Bodoland Executive Council for the BAC from amongst the leaders of the present Bodoland movement who are signatories to this settlement, during the transition period, i.e. prior to the holding of election. Such Interim Council would be formed before a prescribed date mutually agreed between the Central and State Governments.</p>
tr_jud	Judiciary Reform	<p>Page 2-3; 9. Special Courts</p> <p>Action will be taken in consultation with the Guwahati High Court to set up within BAC area Special Courts as specified below to try suits and cases between parties all of whom belong to Scheduled Tribe or Tribes in accordance with the tribal customary law and procedure, if any.</p> <ol style="list-style-type: none"> (a) Village Courts (b) Subordinate District Customary Law Courts within a civil Sub Divisional Territory, and (c) District Customary Law Court.

tr_adm	Public Administration Reform	<p>Page 4; 16. Civil and Police Services</p> <p>(iii) The Central Government, while making recruitments from the State of Assam to the Army, para military forces and police units, will hold special recruitment drives within the BAC area.</p> <p>Page 4; 18. Relief and Rehabilitation</p> <p>(iii) The Government of India will initiate steps for review of action against the Bodo employees of Government of India and subordinate offices as well as in respect of Central Government Undertakings. Similar action would be taken by the Government of Assam.</p>
tr_mil	Military Reform	<p>Page 4; 16. Civil and Police Services</p> <p>(iii) The Central Government, while making recruitments from the State of Assam to the Army, para military forces and police units, will hold special recruitment drives within the BAC area.</p>
tr_pol	Police Reform	<p>Page 3-4; 16. Civil and Police Services</p> <p>(i) The Government of Assam may from time to time post officers of the rank of Class II and above to posts within the BAC in accordance with the exigencies. While making these postings due regard will be given to, views of BAC about officers being so posted.</p> <p>(ii) The officers posted to the BAC area will be accountable to the BAC for their performance and the assessment of their work recorded by the BEC authorities, will be incorporated to their ACRs by the State Government.</p> <p>(iii) The Central Government, while making recruitments from the State of Assam to the Army, para military forces and police units, will hold special recruitment drives within the BAC area.</p>
tr_edu	Education Reform	<p>Page 1; 2. Objective</p> <p>The objective of this scheme is to provide maximum autonomy within the framework of the Constitution to the Bodos for social, economic, educational, ethnic and cultural advancement.</p> <p>Page 6; List of subjects and Departments over which BAC will have control within the BAC area</p> <p>7. Education.</p> <p>(a) Adult Education.</p> <p>(b) Primary Education.</p> <p>(c) Upto Higher Secondary including Vocational training.</p>
tr_med	Media Reform	
tr_ddr	Demobilization, Disarmament & Reintegration	<p>Page 4; 18. Relief and Rehabilitation</p> <p>(i) ABSU - BPAC leaders will take immediate steps to bring overground and deposit with the District authorities all arms, ammunition and explosives in the possession of their own supporters and will cooperate with the administration in bringing overground all Bodo militants along with their arms and ammunition etc. within one month of the formation of the Interim BEC. In order to ensure the smooth return to civil life of the cadre and to assist in the quick restoration</p>

		<p>of peace and normalcy, such surrenders made voluntarily will not attract prosecution. [...]</p> <p>(iv) The Government of Assam will initiate immediate steps for suitable rehabilitation of the Bodo militants coming overground as a result of this settlement. Similarly, the Government will organise ex-gratia payments as per rules to next of the kins killed during the Bodo agitation.</p>
tr_tim	Transitional Timeline	
tr_epr	Electoral & Political Party Reform	<p>Page 1; 3. (b) Powers</p> <p>The BAC will comprise of a General Council comprising 40 members, 35 elected on the basis of adult suffrage and having a life of five years. The Government will have powers to nominate 5 members to the Council, particularly from groups which could not otherwise be represented. [...]</p> <p>Page 2; 6. Reservation of Seats</p> <p>The Election Commission of India will be requested by the BAC to consider seat reservation and delimitation of constituencies, both Lok Sabha and State Assembly, within the BAC area to the extent permitted by the Constitution and the law.</p>
tr_dev	Socio-Economic Development	<p>Page 3; 14. Trade and Commerce</p> <p>The General Council will have powers to regulate trade and commerce within its jurisdiction in accordance with the existing law. For this purpose, it can issue permits and licences to individuals within the BAC area. The Government of Assam and the Union Government while considering allotment of permits to people residing within the BAC area will give preference to the Bodos.</p> <p>Page 3; 15. Employment opportunities</p> <p>The BAC will have powers to reserve jobs for Scheduled Tribes within its jurisdiction. However, exercise of such powers shall be in accordance with the existing constitutional and legal provisions.</p> <p>Page 4; 19. Share in collection of excise duty on tea</p> <p>The Government of Assam will deposit in the BAC Fund revenue collected from the tea gardens falling within the BAC area.</p> <p>Page 6; List of subjects and Departments over which BAC will have control within the BAC area</p> <ol style="list-style-type: none"> 1. Cottage Industry. 2. Animal Husbandry and Veterinary. 3. Forests. 4. Agriculture. 5. P.W.D. 6. Sericulture. 8. Cultural Affairs. 9. Soil Conservation. 10. Co-operation. 11. Fisheries. 12. Panchayat and Rural Development. 13. Handloom and Textiles. 14. Health and Family Welfare.

		<p>15. Public Health Engineering. 16. Irrigation. 17. Social Welfare. 18. Flood Control schemes for protection of villages (not of highly technical nature) 19. Sports and Youth Welfare. 20. Weights and Measures. 21. Library Services. 22. Museums and Archaeology. 23. Urban Development - Town and Country Planning.</p>
tr_cul	Cultural Heritage/ Protections	<p>Page 2; 7. Special provisions for the BAC area</p> <p>The General Council shall be consulted and its views shall be given due regard before any law made on the following subjects, is implemented in the BAC area: i) the religious or social practice of the Bodos; ii) the Bodo customary laws and procedures; and</p> <p>Page 4; 20. Protection of rights of non-tribals</p> <p>The Government of Assam and the BAC will jointly ensure that all rights and interests of the non-tribals as on date living in BAC area in matters pertaining to land as well as their language are protected.</p>
tr_fin	Financial Arrangements	<p>Page 2; 4. Finances</p> <p>(i) (a) The finances for the BAC will be earmarked under a separate subhead within the State budget, in keeping with the guidelines laid down by the Government of India from time to time. The government of Assam would have no powers to divert this earmarked allocation to other heads/areas except in exigencies when there is unavoidable overall Budget cut.</p> <p>(b) The provisions made in 4 (i) (a) regarding allocation of funds should be in line with the spirit of the Constitution (seventy second) and (seventy third) amendment.</p> <p>(ii) The BAC would also receive grant-in-aid from time to time within the principles and policies enunciated by the Government of India.</p> <p>(iii) The General Council will have powers to raise finances from levies/fees/taxes etc., on subjects mentioned in Schedule 'A' subject to Constitutional amendment mentioned above.</p> <p>(iv) The finances for the BAC will be managed exclusively by its General Council and the statement of its annual audited accounts will be laid on the table of the State Assembly.</p> <p>Page 4; 19. Share in collection of excise duty on tea</p> <p>The Government of Assam will deposit in the BAC Fund revenue collected from the tea gardens falling within the BAC area.</p> <p>Page 4; 21. Ad-hoc Central grant for launching the BAC</p> <p>After the signing of this settlement, and ad-hoc Budget on reasonable basis will be prepared by Interim BEC and discussed with the State and Central Governments for necessary financial support.</p>
tj_dsm	Dispute Settlement Mechanisms	

ia_ver	Verification & Monitoring Mechanism
ia_pko	Peacekeeping
ia_adv	International Assistance & Advice

PEACE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF RWANDA AND THE RWANDESE PATRIOTIC FRONT (ARUSHA AGREEMENT)

Page 2; Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front (Arusha Agreement); [Untitled Preamble]; Para 10

Considering that the two parties accepted the principle of power-sharing within the framework of a Broad-Based Transitional Government;

Page 6; Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front (Arusha Agreement); Article 6

The two parties agree on the appointment of Mr. TWAGIRAMUNGU Faustin as Prime Minister of the Broad-Based Transitional Government, in accordance with Articles 6 and 51 of the Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-Sharing within the framework of a Broad-Based Transitional Government.

Page 13; N'sele Ceasefire Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front; Article V

The signatories of the present agreement accept the following principles whose modalities of implementation shall be specified during the political negotiations.

[...]

3. Establishment of power-sharing within the framework of a broad-based transitional government.

ps_pol

Political Power-sharing

Page 22-23; Protocol of Agreement on Power-sharing within the Framework of broad-based Transitional Government between the Government of the Republic of Rwanda and the Rwandese Patriotic Front; Chapter 1: General Principles

Article 1

The two parties reaffirm the acceptance of the principle of power-sharing within the framework of a Broad- Based Transitional Government, in conformity with Article V.3. of the N'sele Ceasefire Agreement, as amended at GBADOLITE on 16th September, 1991 and at ARUSHA on 12th July, 1992. The modalities of implementation of this principle are the object of the present Protocol of Agreement on Power-sharing.

Article 2

The two parties agree that those modalities shall consist of:

(a) the maintenance of the current structure of the Coalition Government with appropriate adjustments to be mutually agreed upon in this Protocol, with a view to making room for the participation of the RPF and other political forces in the country;

(b) appropriate adjustments to be mutually agreed upon in this Protocol, to be made at the level of the State powers with a view to enabling the RPF and other political forces in the country to participate in and make for the efficient management of the transition, in compliance principle of separation of powers.

Page 23; Protocol of Agreement on Power-sharing within the Framework of broad-based Transitional Government between the Government of the Republic of Rwanda and the Rwandese Patriotic Front; Chapter III: The Executive Power; Article 4

The Executive power shall be exercised collectively through decisions taken in Cabinet meetings, by the President of the Republic and by the Government.

Page 27; Protocol of Agreement on Power-sharing within the Framework of broad-based Transitional Government between the Government of the Republic of Rwanda and the Rwandese Patriotic Front; Section 2: The Broad-based Transitional Government

Article 14

The political parties participating in the Coalition Government established on 16th April, 1992 as well as the Rwandese Patriotic Front shall have the responsibility to set up the Broad-Based Transitional Government. They shall decide, by consensus, on the other political formations which may participate in that Government.

Article 15

The Government shall be composed of the Prime Minister, the Deputy Prime Minister, Ministers and Secretaries of State.

Page 31; Protocol of Agreement on Power-sharing within the Framework of broad-based Transitional Government between the Government of the Republic of Rwanda and the Rwandese Patriotic Front; Section 2: The Broad-based Transitional Government; Sub-section 2: The Prime Minister; Article 19

Legal acts by the Prime Minister shall be countersigned relevant Ministers and Secretaries of State.

Page 33; Protocol of Agreement on Power-sharing within the Framework of broad-based Transitional Government between the Government of the Republic of Rwanda and the Rwandese Patriotic Front; Sub-section 5: Outline of the Broad-based Transitional Government Programme; Article 23

The Broad-based Transitional Government shall implement the programme comprising the following:
[...]

Page 48-50; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-sharing within the Framework of a Broad-Based Transitional Government (Continuation of the Protocol of Agreement signed 30th October 1992); Chapter VII: New Areas of Agreement; Section 1: Provisions relating to the Executive Power; Sub-Section 4: Distribution of Ministerial Portfolios within the Broad-Based Transitional Government

Article 55

In accordance with the provisions of Article 14 of the Protocol of Agreement signed on 30th October, 1992, the numerical distribution of the portfolios among political forces called upon to participate in the Broad-Based Transitional Government shall be as follows:

MRND: 5 portfolios

RPF: 5 portfolios

MDR: 4 portfolios (including the post of Prime Minister)

PSD: 3 portfolios

PL: 3 portfolios

PDC: 1 portfolio

Article 56

Nominative distribution of portfolios shall be as follows:

MRND

1. Ministry of Defence;
2. Ministry of Higher Education, Scientific Research and Culture;
3. Ministry of Public Service;
4. Ministry of Planning;
5. Ministry of Family Affairs and Promotion of the Status of Women.

RPF

1. Ministry of Interior and Communal Development;
2. Ministry of Transport and Communications;
3. Ministry of Health;
4. Ministry of Youth and Associative Movement;
5. Secretariat of State for Rehabilitation and Social Integration.

MDR

1. Prime Minister;
2. Ministry of Foreign Affairs and Cooperation;
3. Ministry of Primary and Secondary Education;
4. Ministry of Information.

PSD

1. Ministry of Finance;
2. Ministry of Public works and Energy;
3. Ministry of Agriculture and Livestock Development.

PL

1. Ministry of Justice;
2. Ministry of Commerce, Industry and Cottage Industry;
3. Ministry of Labour and Social Affairs;

PDC: Ministry of Environment and Tourism

Article 57

The two parties further agree that:

- With reference to Article 5 of the Protocols of Agreement signed on 30th October, 1992, the Presidency of the Republic shall go to the MRND party;
- one of the holders of the five (5) ministries allocated to the RPF shall bear the title of Deputy Prime Minister in accordance with Article 20, paragraph 3 of the Protocol of Agreement signed on 30th October, 1992.

Article 58

In case one of the political forces called upon to participate in the Broad-based Transitional Government as provided for under Article 14 of the Protocol of Agreement signed on 30th October, 1992, defaults, the portfolios which had been allocated to that force shall be distributed among the remaining political forces. The possibility of opening to political forces other than those mentioned under Articles 55 and 56 above shall be agreed upon by consensus in accordance with Article 14 cited above.

Page 50-52; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-sharing within the Framework of a Broad-Based Transitional Government (Continuation of the Protocol of Agreement signed 30th October 1992); Chapter VII: New Areas of Agreement; Section 2: Transitional National Assembly

Article 60

The Transitional National Assembly shall, except in the case as provided for in Article 63 of this Protocol of Agreement, be normally composed of seventy (70) members called "Deputies to the Transitional National Assembly". The "Deputies" shall be appointed by their own political forces and their mandate shall cover the whole Transitional Period. The Transitional National Assembly shall make its own rules of procedure.

Article 61

All the political parties registered in Rwanda at the signing of this Protocol as well as the RPF shall be represented in the Transitional National Assembly, on condition that they adhere to and abide by the provisions of the Peace Agreement. To that effect, all these parties and the RPF should, prior to the establishment of the Broad-Based Transitional National Assembly and the Broad-Based Transitional Government, sign a Political Code of Ethics whose principles are spelt out in Article 80 of this Protocol.

Since the RPF and the political parties Participating in the current Coalition Government are automatically, directly or indirectly, bound as a result of the Protocol of Agreement on the Rule of Law signed by the two parties to the negotiations, the political parties which do not participate in the said Government should, from the time of the signing of the Protocol of Agreement on Power-Sharing, demonstrate their commitment to abide by the principles governing the Protocol of Agreement on the Rule of Law, to support the peace process and to avoid engaging in sectarian practices and in any form of violence. Such commitment shall constitute a prerequisite for their participation in the Transitional National Assembly and it is incumbent upon the two parties to the negotiations to see to it that such commitment is real.

Article 62

The numerical distribution of seats in the Transitional National Assembly among the political forces, subject to the implementation of the previous Article, shall be as follows:

MRND: 11 seats

RPF: 11 seats

MDR: 11 seats

PSD: 11 seats

PL: 11 seats

PDC: 4 seats

The other registered parties shall have one (1) seat each.

Article 63

a) The maximum number of members of the Transitional National Assembly shall become the total number of seats of the remaining political forces if, for one reason or another, one or several political forces do not participate in the forming of the Transitional National Assembly, or withdraw from that assembly, provided that the total number is not reduced to less than two-thirds of the number stipulated under Article 60 of this Protocol of Agreement.

b) If one or several political forces do not participate, or cease to participate in the Transitional National Assembly, and the number of Deputies falls below that stipulated in the above paragraph, the remaining political forces participating in the Transitional National Assembly shall consult and agree on the modalities for the composition of the new National Assembly.

Article 64

A "Deputy" may resign. In this case, his political party shall replace him in consultation with the Bureau of the Transitional National Assembly.

Page 54; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-sharing within the Framework of a Broad-Based Transitional Government (Continuation of the Protocol of Agreement signed 30th October 1992); Chapter VII: New Areas of Agreement; Section 3: Relationship between the Transitional National Assembly and the Broad- Based Transitional Government; Article 77

Replacement of the members of the Transitional National Assembly shall be done as per the numerical distribution of seats referred to under Article 62 above.

Page 56-57; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-

sharing within the Framework of a Broad-Based Transitional Government (Continuation of the Protocol of Agreement signed 30th October 1992); Chapter VII: New Areas of Agreement; Section 5: Miscellaneous Provisions; Sub-Section 1: Modalities of Appointment within the Judiciary; Article 84

In order to maintain the independence of the Judiciary, posts in the Judiciary shall not be subjected to sharing among political forces. Therefore, applications for the posts of Presiding Judge and Deputy Presiding Judge of the Supreme Court, referred to under Article 30 of the Protocol of Agreement signed on 30th October, 1992, shall be considered without any reference to political parties, in order to better ensure the neutrality of magistrates.

Page 177; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions; Chapter I: State Security Services; Section 2: State Security Services; Article 5: Participation of the Rwandese Patriotic Front in the State Security Services

The Broad-Based Transitional Government shall create new posts in the State Security Services within three months after the setting up of the Broad-Based Transitional Government. The RPF shall be effectively represented at all levels of the departments (External Security, Internal Security Services, Immigration and Emigration), particularly at the level of Director and Deputy Director of the Departments and within the organ responsible for the Coordination of State Security Services.

ps_eco

Economic Power-sharing

Page 13; N'sele Ceasefire Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front; Article V

1. A Joint Political Military Commission composed of 5 representatives of the Rwandese Government and 5 of the Rwandese Patriotic Front is established; [...]

Page 13; N'sele Ceasefire Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front; Article V

The signatories of the present agreement accept the following principles whose modalities of implementation shall be specified during the political negotiations. [...]

2. Formation of a national army consisting of Government forces and those of the Rwandese Patriotic Front.

ps_mil

Military Power-sharing

Page 117-19; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter I: the National Army, Section 4: Formation of the National Army; Sub-Section 1: Process of the Formation of the National Army; Paragraph 4: Integration Operations; Article 74: Proportions and Distribution of Command Posts.

During the establishment of the National Army, the proportions and distribution of Command posts between the two parties shall abide by the following principles:

1. The Government forces shall contribute 60% of the forces and the RPF 40% of the forces for all levels apart from the posts of Command described below.

2. In the chain of Command, from the Army Headquarters to the Battalion, each party shall have a 50% representation for the following posts:

Chief of Staff, Deputy Chief of Staff, Heads of Departments at the Army General Headquarters (G1, G2, G3, G4), Brigade Commanders, Seconds in Command of Brigades, Heads of Sections at Brigade Headquarters (S1, S2, S3, S4), Battalion Commanders and Seconds in Command of Battalions, Commanders and Seconds in Command of Specialized Units, namely: Paracommando, Reconnaissance, Military Police Battalions, and of Support Units, Engineering, Field Artillery, Anti-aircraft Artillery Battalions and the Logistics Center; Commanders and Seconds in Command of the Schools - ESM and ESO -and Commanders and Seconds in Command of the Training Centres in BIGOGWE and BUGESERA.

3. All top posts described above shall be distributed among the Officers of the Rwandese Government and those of the RPF in accordance with the principle of alternation.

Thus, the Rwandese Government forces and the RPF forces shall supply an equal number of Brigade and Battalion Commanders, of Seconds in Command of Brigade and Battalion, of Heads of Department at the Army Headquarters, of Heads of Section at Brigade Headquarters; of Commanders and Seconds in Command of Specialized and Support Units, of Schools and Training Centers described above. However, neither force can hold at the same time the posts of Commander and Second in Command within the same Unit.

4. Without prejudice to Article 73, the proportions of the two forces in all the structures of the National Army shall be affected by no prerequisite condition in terms of accessibility. Thus, adequate training shall be given to the servicemen retained without fulfilling all the necessary requirements in accordance with the modalities determined by the Army Command High Council.

5. The post of Chief of Staff of the National Army shall be held to the Government party and the one of Deputy Chief of Staff to the Rwandese Patriotic Front (RPF).

Page 120; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter I: the National Army; Section 4: Formation of the National Army; Sub-Section 1: Process of the Formation of the National Army; Paragraph 5: Training of the National Army; Article 77: Training Phases

The training shall be carried out in two phases:

Phase 1: The separate training of servicemen of the Rwandese Armed Forces and the Rwandese Patriotic Army shall be conducted in their respective zones. This phase shall be aimed at preparing servicemen of both parties to live together in their future Units so as to constitute a single Army and do away with the spirit of antagonism nurtured by the war. The duration of the separate training shall be one month.

Phase 2: The joint training of the Units to constitute the National Army shall be dispensed to servicemen from the two Forces, in the same training centres. That training shall be dispensed to servicemen to constitute the National Army and selected by each party, in accordance with the criteria spelled out under Article 73 of the present Protocol.

It shall, as much as possible, begin after the designation of servicemen within their Units.

This phase shall be aimed at harmonizing techniques of the two armies, nurturing the team spirit, enhancing the patriotic spirit and that of reconciliation. Such training shall be organized in training centres in three (3) batches composed of more or less than four thousand and four hundred (4,400) men. Each batch shall undergo a two-months training in the centres. The duration of the joint training shall be 7 months, i.e. two (2) months training for each batch, and 2x15 days of preparation between the batches.

Servicemen who will not be selected for the first batch shall be waiting in the Assembly points for their turn.

The Army Command High Council shall decide on the overall training programme as well as on the sequence of rotations in training centres.

The programme and calendar of training are attached of the present Protocol as Annex II and are an integral part of this Protocol.

[...]

Page 122; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter I: the National Army; Section 4: Formation of the National Army; Sub-Section 1: Process of the Formation of the National Army; Paragraph 6: Deployment of Troops in the Units; Article 80

The posting of Servicemen in the respective Units shall be carried out upon completion of the training of each batch.

After integration, the Army, composed of elements from the two parties, shall be called the 'NATIONAL ARMY'.

Page 122; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter I: the National Army; Section 4: Formation of the National Army; Sub-Section 1: Process of the Formation of the National Army; Paragraph 7: The Responsibility of the Broad-Based Transitional Government with regard to the Integration of Forces; Article 81

The Broad-Based Transitional Government shall take all necessary measure to ensure the integration of the armed forces from the two parties.

Upon its establishment, the Broad-Based Transitional Government shall assume its responsibility towards the forces of the two parties in terms of Command, logistics, supply and welfare. To this end, the two parties shall provide numbers and names of the members of their respective forces.

The Neutral International Force or the expanded NMOG shall, as soon as possible, verify those names and numbers.

The two forces, for whom the Broad-Based Transitional Government assumes responsibility, shall fall under its authority. The RPF shall then be considered as a political party or its equivalent.

Page 161-62; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter II: The National Gendarmerie; Section 4: Formation of the National Gendarmerie; Article 144: Proportions and Distribution of Posts of Command

During the establishment of the National Gendarmerie, the proportions and distribution of command posts between the two parties shall abide by the following principles:

1. The Government forces shall contribute 60% and the RPF 40% of the forces for all levels apart from the posts of command described below.

2. In the chain of Command, from the general headquarters of the National Gendarmerie to the level of Groupement, each party shall have a 50% representation for the following posts: Chief of Staff, Deputy Chief of Staff, Heads of Department at the General Headquarters (G1, G2, G3, G4); Commanders and Seconds in Command of Groupement; Heads of Sections at the Groupement Headquarters (S1, S2, S3, S4), Commanders and Seconds in command of Specialized and Support Units, namely: Republican Guard, Intervention Unit, Logistic Services Group, Specialized Intelligence Service

and Criminal Investigation Service, and Commander and Second in Command of EGENA.

3. All top posts described above shall be equally shared between the officers of the Rwandese Government and those of the RPF in accordance with the principle of alternation. Thus, the Government forces and those of RPF shall provide respectively (6 and 5 or 5 and 6) Commanders of Groupement, (5 and 6 or 6 and 5) Seconds in Command of Groupement, and equal number of Heads of Sections at the Groupement Headquarters and Seconds in Command of Specialized Units as described above and of EGENA.

However, neither force shall hold at the same time the posts of Commander and Second in Command within the same Unit.

4. Without prejudice to Article 141 of this Protocol, the proportion of the two forces in all the structures of the National Gendarmerie shall be affected by no prerequisite condition in terms of accessibility. Thus, adequate training shall be given to the Gendarmes retained without fulfilling all the necessary requirements, in accordance with the modalities specified by the Command Council of the National Gendarmerie.

5. The post of Chief of Staff of the National Gendarmerie shall be held by the Rwandese Patriotic Front (RPF) and the one of Deputy Chief of Staff by the Government party.

Page 176-77; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions; Chapter I: State Security Services; Section 2: State Security Services;

Article 2: Structure

The current structure of the State Security Services shall be maintained. They shall consist of the following:

- External Security under the Ministry of Defence;
- Internal Intelligence Service under the Prime Minister's Office;
- Immigration and Emigration Service under the Ministry of Interior and Communal Development.

Article 5: Participation of the Rwandese Patriotic Front in the State Security Services

The Broad-Based Transitional Government shall create new posts in the State Security Services within three months after the setting up of the Broad-Based Transitional Government. The RPF shall be effectively represented at all levels of the departments (External Security, Internal Security Services, Immigration and Emigration), particularly at the level of Director and Deputy Director of the Departments and within the organ responsible for the Coordination of State Security Services.

tj_amn

Amnesty

Page 11; N'sele Ceasefire Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front; Article II

tj_pri

Prisoner Release

The cease-fire shall imply:
[...]

4. The release of all prisoners-of-war; the effective release of all persons arrested because and as a result of this war within five days following the entry into force of the Cease-fire Agreement.

Page 13; N'sele Ceasefire Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front; Article V

The signatories of the present agreement accept the following principles whose modalities of implementation shall be specified during the political negotiations.

1. Establishment of the rule of law, that is, based namely on national unity, democracy, pluralism, and respect for human rights

Page 15-16; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Rule of Law; Preamble

Convinced that the Rule of Law:

- is the best guarantee of national unity, the respect of the fundamental freedoms and rights of the individual;
- is a concrete manifestation of democracy;
- is a concrete manifestation of democracy; hinges on National Unity, Democracy, Pluralism and Respect for human rights:

Page 16; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Rule of Law; Chapter I: National Unity

Article 1

National unity must be based on equality of all citizens before the law, equal opportunities in all fields including the economic field and respect for fundamental rights as stipulated, notably, in the Universal Declaration of Human Rights and in the African Charter on Human and Peoples' Rights.

tj_hum

Human Rights

Article 2

National unity implies that the Rwandese people, as constituent elements of the Rwandese nation, are one and indivisible. It also implies the necessity to fight all obstacles to national unity, notably, ethnicism, regionalism, integristism and intolerance which subordinate the national interest to ethnic, regional, religious and personal interest.

Article 3

National unity entails the rejection of all exclusions and any form of discrimination based notably, on ethnicity, region, sex and religion. It also entails that all citizens have equal opportunity of access to all the political, economic and other advantages, which access must be guaranteed by the State.

Page 17; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Rule of Law; Chapter II: Democracy; Article 6

The two parties accept the universality as well as the implications of the following fundamental principles of democracy:

[...]

- guarantee for the fundamental rights of the individual as provided for in the Universal Declaration of Human Rights as well as in the African Charter on Human and Peoples' Rights, among others, freedom of speech, enterprise and of political, social and economic association;
- laws and regulations based on the respect of fundamental human rights;

Page 19-20; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Rule of Law; Chapter IV: Human Rights

Article 14

The two parties recognise the universal nature of human rights and should express concern when these rights are violated anywhere and by anybody.

They also recognise that the International Community would be justified in expressing concern in the event that these rights are violated by anybody on Rwandese territory. These rights should be guaranteed by the Constitution and the laws of the Republic of Rwanda.

Article 15

The two parties agree that a National Commission on Human Rights shall be established. This institution shall be independent and shall investigate human rights violations committed by anybody on Rwandese territory, in particular, by organs of the State and individuals in their capacity as agents of the State or of various organisations.

The investigation work of the Commission shall not be limited in time.

The Commission shall be provided with the necessary means, especially legal means, to efficiently accomplish its mission. It shall utilise its findings to:

- a) sensitize and educate the population about human rights;
- b) institute legal proceedings, where necessary.

Article 16

The two parties also agree to establish an International Commission of Enquiry to investigate human rights violations committed during the war.

Page 33; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-Sharing within the Framework of a Broad-Based Transitional Government Chapter III: The Executive Power; Section 2: The Broad-based Transitional Government; Sub-Section 5: Outline of the Broad-based Transitional Government Programme; Article 23

The Broad-based Transitional Government shall implement the programme comprising the following:
[...]

B. Defence and Security

1. Consolidate peace by taking the necessary measures for the eradication of the causes of war, especially those stemming from the non-respect of National Unity, Human Rights and Democracy.

Page 55-56; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-sharing within the Framework of a Broad-Based Transitional Government (Continuation of the Protocol of Agreement signed 30th October 1992); Chapter VII: New Areas of Agreement; Section 4: Political Code of Ethics binding the Political Forces called upon to Participate in the Transitional Institutions; Sub-Section 1: Fundamental Principles; Article 80

In a declaration signed by their authorised representatives, the political forces called upon to participate in the Transitional Institutions shall undertake to:
[...]

3. Abstain from all sorts of violence and inciting violence, by written or verbal communication, or by any other means,
4. Reject and undertake to fight any political ideology or any act aimed at fostering discrimination based mainly on ethnic, regional, sexual or religious differences;
5. Promote and respect the rights and freedoms of the human person;

7. Work towards a system whereby the political power serves the interests of all the Rwandese people without any discrimination;

Page 176; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions; Chapter I: State Security Services; Section 2: State Security Services; Article 3: Principles

The State Security Services shall be guided by the following principles:
[...]

3. They must abide by the law and must conform to the letter and spirit of the International Conventions to which the Republic of Rwanda is a party.

Page 181-82; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions; Chapter II: Miscellaneous Provisions

Article 15: Ratification of International Instruments on Human Rights

The Broad-Based Transitional Government shall ratify all International Conventions, Agreements and Treaties on Human Rights, which Rwanda has not yet ratified. It shall waive all reservations entered by Rwanda when it adhered to some of those International instruments.

Article 16: Deletion of reference to Ethnic Group in Official Documents

The Broad-Based Transitional Government shall, from the date of its assumption of office, delete from all official documents to be issued any reference to ethnic origin. Documents in use or not yet used shall be replaced by those not bearing any reference to ethnic origin.

Article 17: Public Freedoms and Fundamental Rights

With regard to public freedoms and fundamental rights, the principles enshrined in the Universal Declaration of Human Rights of 10th December, 1948 shall take precedence over corresponding principles enshrined in the Constitution of the Republic of Rwanda, especially when the latter are contrary to the former.

tj_min

Indigenous &
Minority Rights

tj_wom

Women's Rights &
Gender Issues

Page 16; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Rule of Law; Chapter I: National Unity; Article 3

National unity entails the rejection of all exclusions and any form of discrimination based notably, on ethnicity, region, sex and religion. It also entails that all citizens have equal opportunity of access to all the political, economic and other advantages, which access must be guaranteed by the State.

tj_civ

Civil & Political
Rights

Page 2; Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front (Arusha Agreement); [Untitled Preamble]; Para 7

Reaffirming their unwavering determination to respect principles underlying the Rule of Law which include democracy, national unity, pluralism, the respect of fundamental freedoms and rights of the individual;

Page 16; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Rule of Law; Chapter I: National Unity

Article 1

National unity must be based on equality of all citizens before the law, equal opportunities in all fields including the economic field and respect for fundamental rights as stipulated, notably, in the Universal Declaration of Human Rights and in the African Charter on Human and Peoples' Rights.

Article 2

National unity implies that the Rwandese people, as constituent elements of the Rwandese nation, are one and indivisible. It also implies the necessity to fight all obstacles to national unity, notably, ethnicism, regionalism, integrism and intolerance which subordinate the national interest to ethnic, regional, religious and personal interest.

Article 3

National unity entails the rejection of all exclusions and any form of discrimination based notably, on ethnicity, region, sex and religion. It also entails that all citizens have equal opportunity of access to all the political, economic and other advantages, which access must be guaranteed by the State.

Page 17; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Rule of Law; Chapter II: Democracy; Article 6

The two parties accept the universality as well as the implications of the following fundamental principles of democracy:

[...]

- guarantee for the fundamental rights of the individual as provided for in the Universal Declaration of Human Rights as well as in the African Charter on Human and Peoples' Rights, among others, freedom of speech, enterprise and of political, social and economic association;

[...]

- equality before the law;

Page 19; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Rule of Law; Chapter III: Pluralism; Article 13

The two parties recognise that a democratic society is also founded on pluralism which is the expression of individual freedoms and must respect national unity and the fundamental rights of the citizen.

Page 176; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions; Chapter I: State Security Services; Section 2: State Security Services; Article 3: Principles

The State Security Services shall be guided by the following principles:

[...]

4. They must respect the civic rights of citizens as well as fundamental freedoms.

tj_esc

Economic, Social &
Cultural Rights

Page 59-60; Protocol of Agreement between the Government of Rwanda and the Rwandese Patriotic Front on the Repatriation of Rwandese Refugees and the Resettlement of Displaced Persons; Chapter I: Repatriation of Rwandese Refugees; Section 1: Voluntary Return and Repatriation; Sub-Section 1: Basic Principles

Article 3

For purposes of settling returnees, the Rwandese Government shall make lands available, upon their identification by the "Commission for Repatriation" so long as they are not currently occupied by individuals. The Commission shall be at liberty to explore and choose, without any restriction, resettlement sites throughout the national territory. The selection of sites, their occupation and farming shall take due consideration of the protection of endangered animal species, especially the mountain gorilla. Depending on the protection requirements and the planned farming development activities, the transfer of those species into compatible ecosystems is recommended.

Article 4

The right to property is a fundamental right for all the people of Rwanda. All refugees shall therefore have the right to repossess their property on return.

The two parties recommend, however, that in order to promote social harmony and national reconciliation, refugees who left the country more than 10 years ago should not reclaim their properties, which might have been occupied by other people. The Government shall compensate them by putting land at their disposal and shall help them to resettle.

As for estates which have been occupied by the Government, the returnee shall have the right for an equitable compensation by the Government.

Page 11; N'sele Ceasefire Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front; Article II

The cease-fire shall imply:

[...]

5. The possibility of recovering the remains of the dead;

Page 34; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-Sharing within the Framework of a Broad-Based Transitional Government; Chapter III: The Executive Power; Section 2: The Broad-based Transitional Government; Sub-Section 5: Outline of the Broad-based Transitional Government Programme; Article 23

The Broad-based Transitional Government shall implement the programme comprising the following:

[...]

D. Post-war Rehabilitation Programme

[...]

3. Set up a programme of assistance to the victims of war (both civilian and military) and of social strife encountered since the outbreak of the war, to the physically handicapped, orphans, widows and widowers.

Page 60; Protocol of Agreement between the Government of Rwanda and the Rwandese Patriotic Front on the Repatriation of Rwandese Refugees and the Resettlement of Displaced Persons; Chapter I: Repatriation of Rwandese Refugees; Section 1: Voluntary Return and Repatriation; Sub-Section 1: Basic Principles; Article 4

The right to property is a fundamental right for all the people of Rwanda. All refugees shall therefore have the right to repossess their property on return.

The two parties recommend, however, that in order to promote social harmony and national reconciliation, refugees who left the country more than 10 years ago should not reclaim their properties, which might have been occupied by other people. The Government shall compensate them by putting land at their disposal and shall help them to resettle.

As for estates which have been occupied by the Government, the returnee shall have the right for an equitable compensation by the Government.

tj_vic

Victims &
Reparations

Page 2; Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front (Arusha Agreement); [Untitled Preamble]; Para 14

Recognizing that the unity of the Rwandese people cannot be achieved until definitive solution to the problem of Rwandese refugees is found and that the return of Rwandese refugees to their country is an inalienable right and constitutes a factor for peace and national unity and reconciliation;

Page 16; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Rule of Law; Chapter I: National Unity; Article 4

The two parties acknowledge that the national unity of the people of Rwanda cannot be achieved without a definitive solution to the problem of Rwandese refugees. They recognize that the return of the Rwandese refugees to their country is an inalienable right and represents a factor of peace, unity and national reconciliation. They undertake not to hinder the free exercise of this right by the refugees.

Page 27; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-Sharing within the Framework of a Broad-Based Transitional Government; Chapter III: The Executive Power; Section 2: The Broad-based Transitional Government; Article 13

The current structure of the Government, namely, the number and appellation of Ministries, shall remain unchanged. However, a Secretariat of State in the Prime Minister's Office in charge of Social Rehabilitation and Integration shall be established.

tj_ref Refugees &
Internally Displaced
Persons

It shall be responsible for:

1. Repatriation and social and economic reintegration of the Rwandese refugees who may wish to go back home;
[...]

Page 34; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-Sharing within the Framework of a Broad-Based Transitional Government; Chapter III: The Executive Power; Section 2: The Broad-based Transitional Government; Sub-Section 5: Outline of the Broad-based Transitional Government Programme; Article 23

The Broad-based Transitional Government shall implement the programme comprising the following:
[...]

D. Post-war Rehabilitation Programme

1. Provide humanitarian assistance, especially through the supply of foodstuffs, seeds and some building materials in a bid to contribute in the resettlement of those displaced as a result of the war and social strife encountered since the outbreak of the war, in their original property.
[...]

E. Repatriation and Reintegration of Refugees

Repatriate and reintegrate all Rwandese refugees who may wish to go back home, following the modalities specified in the Peace Agreement.

Page 59-73; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Repatriation of Rwandese Refugees and the Resettlement of Displaced Persons

The Government of the Republic of Rwanda on one hand, and the Rwandese Patriotic Front on the other;

Agree on the following provisions on the repatriation of Rwandese refugees and the resettlement of displaced persons.

Chapter I: Repatriation of Rwandese Refugees

Section 1: Voluntary Return and Repatriation

Sub-Section 1: Basic Principles

Article 1

The return of Rwandese refugees to their country is an inalienable right and constitutes a factor of peace, national unity, and reconciliation.

Article 2

The return is an act of free will on the part of each refugee. Any Rwandese refugee who wants to go back to his country will do so without any precondition whatsoever.

Each person who returns shall be free to settle down in any place of their choice inside the country, so long as they do not encroach upon the rights of other people.

Article 3

For purposes of settling returnees, the Rwandese Government shall make lands available, upon their identification by the "Commission for Repatriation" so long as they are not currently occupied by individuals.

The Commission shall be at liberty to explore and choose, without any restriction, resettlement sites throughout the national territory. The selection of sites, their occupation and farming shall take due consideration of the protection of endangered animal species, especially the mountain gorilla. Depending on the protection requirements and the planned farming development activities, the transfer of those species into compatible ecosystems is recommended.

Article 4

The right to property is a fundamental right for all the people of Rwanda. All refugees shall therefore have the right to repossess their property on return. The two parties recommend, however, that in order to promote social harmony and national reconciliation, refugees who left the country more than 10 years ago should not reclaim their properties, which might have been occupied by other people. The Government shall compensate them by putting land at their disposal and shall help them to resettle. As for estates which have been occupied by the Government, the returnee shall have the right for an equitable compensation by the Government.

Article 5

The repatriation exercise shall aim at achieving a harmonious and definitive integration.

Article 6

The repatriation process must mesh with the economic changes underway in the country.

Article 7

The principle of dual citizenship is hereby accepted. The laws governing the Rwandese citizenship shall be reviewed accordingly.

Sub-Section 2: The Beneficiaries of the Programme for the Return and Repatriation

Article 8

The Programme for the Return and the Repatriation shall be designed solely for Rwandese Refugees. Shall qualify as a Rwandese refugee:

1. Anyone in possession of documents issued by the Office of the United Nations High Commissioner for Refugees (UNHCR), testifying that the bearer is a Rwandese refugee;
2. Any Rwandese national who declares himself to be a Rwandese refugee, but who is not registered with the Office of the UNHCR.

Sub-Section 3: Repatriation Procedures

Article 9

Upon the recommendation of the Secretariat of State for Rehabilitation and Social Integration, the Broad-Based Transitional Government shall set up a Commission for Repatriation composed of Government, UNHCR, OAU and Refugee representatives.

Article 10

The Commission shall have, as a general mandate, to finalize and to implement a programme for the repatriation and reintegration of returnees.

The concrete missions of the Commission shall be as follows:

1. Conduct a socio-economic survey of refugees;
2. Organize a pre-repatriation census and registration of returnees;
3. Conduct an information and sensitization campaign both to the refugee community and the population within the country
4. Identify settlement sites, supervise the distribution of plots and establishment of basic infrastructures such as Reception Centres, Health Centres, Educational Centres, etc.;
5. Make travel arrangements for all returnees, where necessary, and arrangements for the transport of their property;
6. Supervise all kinds of assistance for the returnees, such as food aid, farming tools, building materials, domestic items, seeds, etc.; That Commission may set up Committees, where necessary, for the execution of some of its missions.

Article 11

For border crossings, a list of items subject to an export ban in the country of asylum and to an import ban in Rwanda shall be communicated in advance to refugees opting for repatriation. Property and assets of returnees shall be exempted from all import duties and taxes, except for commercial goods.

The exchange regulations shall be communicated to returnees and facilitated by the appropriate authorities. Customs formalities shall also be specified by the country of asylum and by Rwanda.

The Secretariat of State for Rehabilitation and Social Integration, in coordination with Immigration and Emigration Services, shall provide facilities at border posts and at the International airport, for the reception of returnees who shall have opted to go back home with their own means.

Sub-Section 4: Assistance

Article 12

The repatriation funding programme shall provide for provisional accommodation centres on the settlement sites in rural or in urban areas, in existing or those to be built, on condition that the latter are built for ultimate

use. Returnees at that time shall be fully taken care of, including an initial free medical check-up.

Article 13

Returnees shall provisionally be accommodated in shelters built on plots allocated to them, but they shall rapidly be given a set of building materials to enable them to build their own houses and design them in accordance with model development schemes drawn up by the Commission for Repatriation.

Article 14

Upon their arrival in the country, repatriates shall each be paid a small amount of money to enable them to meet vital needs not catered for by the aid programme.

Article 15

With the assistance of the International Community, the Rwandese Government shall provide assistance to the returnees, in the following areas:

1. food aid;
2. domestic items;
3. farming tools;
4. building materials;
5. health;
6. education.

The same assistance shall equally be provided to those returnees who may go back to their places of origin.

Article 16

Food aid shall be provided for a period of at least 15 months, after which conditions for the continued supply of that aid shall be reviewed.

Article 17

Each family of returnees shall be provided with basic items such as kitchen utensils and bed and beddings.

Article 18

The programme for the settlement of returnees shall also avail a set of farming tools and seeds, preferably selected to meet the soil and climate requirements in the area. In so doing, it shall enable the repatriated farmers to undertake farming activities as soon as possible.

Article 19

The repatriation programme shall also include the supply of medicines and various equipment for the existing or newly established Health Centres. Vulnerable groups, i.e. women, children, the aged people and the handicapped shall be specifically taken care of.

Article 20

A programme of assistance for children admitted in the educational system shall be established and tailored in such a way as to cater for school fees, funds for the purchase of uniforms and school equipment for two academic years.

Article 21

The returnees who shall take up activities other than farming, but are not able to take care of themselves, shall each benefit from some of the assistance programmes mentioned above especially:

1. Accommodation and food aid for a period of 6 months;
2. basic items such as kitchen utensils, bed and beddings

The Rwandese Government shall establish, through the Ministry of Labour and Social Affairs and the Secretariat of State for Rehabilitation and Social Integration, mechanisms for the orientation and follow-up of job seekers.

Sub-Section 5: Integration Modalities

Article 22

Returnees may benefit from opportunities availed by the Development Projects designed for the enhancement of employment in the public and private sectors, in the same conditions as residents.

Article 23

The Rwandese Government shall undertake negotiations with international funding institutions, within the framework of the Structural Adjustment Programme (SAP), so that the absorption capacities of the Public Sector could be enhanced. There are certain sectors, however, which already hold out employment opportunities, such as Education, Health and the Judiciary.

A returnee who shall be integrated in the public sector shall be employed at the level to be determined on the basis of their qualification and professional experience. Employment shall not be subjected to any precondition and criteria other than the age for employment and retirement.

Article 24

Returnees who have contributed to the Social Security in Rwanda may claim their dues, either for themselves or their beneficiaries.

As for those who have been contributing to the Social Security abroad, the Rwandese Government shall negotiate with the countries concerned so as to arrange for the compensation or transfer of their dues.

Article 25

Lack of knowledge of Kinyarwanda or French shall not constitute an obstacle to employment and discharge of duties within the public sector.

During the first three years of service, with effect from the date of appointment, the returnees shall use those languages they are most familiar with, and shall take intensive French or Kinyarwanda courses. At the end of that period, consideration of this facility shall be re-examined in order to determine whether it would be maintained or not.

To that effect, a programme of linguistic support as well as translation and interpretation services shall be organized, according to the needs, soon after the establishment of the Broad-Based Transitional Government, using funds provided for in the Plan of Action for returnees or any other funds.

Article 26

The existing Commissions on the Equivalence of diplomas shall include qualified personnel among returnees and shall pay special attention to that problem.

Diplomas and certificates internationally recognised shall be considered for purposes of employment in the educational institutions or appointment to professional posts, in accordance with the UNESCO grading regulations and systems.

Article 27

The access to employment opportunities in the Private Sector and the establishment of new enterprises in the country have been liberalized within the framework of the Structural Adjustment Programme (SAP). They shall be open to returnees without any preconditions, and under the same conditions as residents. Government role in that field will be to reactivate support to existing firms, promote new investments and simplify formalities required to get started in the Private Sector. The Plan of Action shall also include a Guarantee Security Fund, so as to facilitate access to loans by returnees.

Article 28

The Commission for Repatriation shall develop settlement sites. The sites shall be provided with basic socioeconomic infrastructures such as schools, Health Centres, water, access roads, etc.

The Housing scheme in these areas shall be modelled on the "village" grouped type of settlement to encourage the establishment of development centres in the rural area and break with the traditional scattered housing.

Article 29

The programme for the reintegration of returnees shall provide additional school facilities, by expanding existing schools or creating new infrastructures to accommodate the returnee children already at school or of school age.

Article 30

For purposes of ensuring a smooth integration into the educational system in the country, and avoiding that students interrupt their studies and suffer adverse effects, a number of measures shall be taken:

1. During the first year, education should be provided in the language used in the country of asylum.
2. Within the first three months, intensive French courses should be organised for teachers and students, especially for students in the senior level of primary school and for students in secondary schools and institutions of higher learning, from the anglophone countries.
3. Some of the aspects of adaptation may be catered for in the private educational system.
4. The Plan of Action for Rwandese refugees shall take in charge students in their last two years of the primary, secondary schools and institutions of higher learning who may wish to stay behind and complete their studies in the host countries, if the educational systems in which they were studying are not available in Rwanda. Their certificates shall be recognized in accordance with the UNESCO system of equivalence of diplomas, certificates, etc.

However, special attention shall be given to the writing and reading of Kinyarwanda through additional remedial lessons, to enable new pupils and any other who might experience similar difficulties to catch up with those who are more conversant with the language. Sub-Section 6: Implementation of the Overall Programme of Repatriation

Article 31

In accordance with the mandate entrusted to them by the Dar es Salaam Summit of 19th February, 1991, the UNHCR and the OAU shall organize, within six (6) months after the establishment of the Broad-Based Transitional Government, a Donors' Conference for the financing of projects earmarked in the Plan of Action for the Rwandese refugees.

In addition to other internal sources of funding, the Rwandese Government shall also rely on bilateral cooperation to support the Repatriation Programme.

Article 32

The implementation, at the political and administrative level, of the Repatriation Programme shall be supervised by the Secretariat of State for Rehabilitation and Social Integration.

For the technical implementation of the various components of the Repatriation Programme, the Government of Rwanda and the UNHCR shall preferably resort to those NGOs with an established reliability, taking also their respective specialization into account. As such, one or several NGOs shall undertake site development activities, building activities, and the distribution of food aid.

Sub-Section 7: Timetable for Repatriation

Article 33

All the returnees having the means to settle themselves without recourse to Government assistance may do so, soon after the signing of the Peace Agreement.

To that end, Rwandese Embassies shall issue travel documents to all Rwandese refugees who wish to go back to Rwanda.

Article 34

With respect to repatriation in groups, the following programme of sequence is envisaged:

1. Within six (6) months after the establishment of the Broad-Based Transitional Government, the UNHCR and the OAU shall organize a Donors Conference on the financing of the Repatriation Programme.
2. Within six (6) months after the establishment of the Broad-Based Transitional Government, tripartite agreements between Rwanda, the UNHCR and individual countries in the Region and the UNHCR shall have been concluded on issues pertaining to the repatriation of refugees.
3. Within Six (6) months after its establishment, the Broad-Based Transitional Government shall undertake operations for the preparation of settlement sites.
4. Within nine (9) months following the establishment of that Government, the repatriation of the first batch of returnees may begin.

Section 2: Other Repatriation Solution: Settlement in the Host Country

Article 35

The Broad-Based Transitional Government shall take and implement measures, including through bilateral agreements, for the protection of the Rwandese nationals who shall have opted to settle in the host countries as immigrants.

Those immigrants shall fully enjoy the same rights as all other Rwandese citizens.

Chapter II: Return of Persons Displaced by War and Social Strifes

Section 1: Preparatory Measures

Article 36

The organized return of persons displaced as a result of war and social strife shall be done after the following preparatory measures have been taken:

1. Deployment of the International Neutral Force.
2. Disengagement of Forces in the war zones.
3. Establishment of the Broad-Based Transitional Government.
4. Clearance of mines in the war zones.
5. Planning and provision of humanitarian assistance in essential services.

Section 2: Administration and Security in the War Zones

Article 37

The administration entities established before the outbreak of war shall be reconstituted.

Article 38

The socio-economic services established before the outbreak of war, especially in the educational, health, justice, youth, trade, agricultural and animal husbandry sectors at the level of administration entities in the war zones shall resume their activities.

Article 39

The Broad-Based Transitional Government shall determine mechanisms of appointing local authorities in these zones.

Article 40

The clearance of mines in the zones shall be conducted by the International Neutral Force, in collaboration with the Army Command High Council.

Article 41

Security shall be ensured by the local police to be provided with adequate means and assisted, where necessary, by the National Gendarmerie.

Section 3: Humanitarian Assistance

Article 42

Humanitarian Aid shall be distributed by the Secretariat of State for Rehabilitation and Social Integration, assisted by the Humanitarian Agencies.

Article 43

The humanitarian aid shall consist of:

1. Food aid;
2. Domestic items;
3. Farming tools;
4. Building materials;
5. Health care and Medicines;
6. Education (School equipment, uniforms, school fees for a period of two years);
7. Transport to their places of domicile for those who cannot afford it;
8. Labour costs for the construction of houses;
9. Seeds;
10. Establishment of temporary shelters.

Section 4: Timetable and Modalities for Return

Article 44

As soon as the preparatory measures spelled out in Article 36 of the present Protocol are put in place, the Broad-Based Transitional Government shall issue directives for the return of displaced persons.

Article 45

The return of war displaced persons to their homes shall, as much as possible, be coordinated with the return of the refugees who left the country during the war, as well as that of persons displaced as a result of social strife.

Page 20; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Rule of Law; Chapter IV: Democracy; Article 16

The two parties also agree to establish an International Commission of Enquiry to investigate human rights violations committed during the war.

tj_tru
Truth &
Reconciliation
Commission

Page 55-56; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-sharing within the Framework of a Broad-Based Transitional Government (Continuation of the Protocol of Agreement signed 30th October 1992); Chapter VII: New Areas of Agreement; Section 4: Political Code of Ethics binding the Political Forces called upon to Participate in the Transitional Institutions

Sub-Section 1: Fundamental Principles

Article 80

In a declaration signed by their authorised representatives, the political forces called upon to participate in the Transitional Institutions shall undertake to:

1. Support the Peace Agreement and work towards its successful implementation;
2. Promote national unity and national reconciliation of the Rwandese people;
3. Abstain from all sorts of violence and inciting violence, by written or verbal communication, or by any other means;
4. Reject and undertake to fight any political ideology or any act aimed at fostering discrimination based mainly on ethnic, regional, sexual or religious differences;
5. Promote and respect the rights and freedoms of the human person;
6. Promote political education among their members, in accordance with the fundamental principles of the Rule of Law;
7. Work towards a system whereby the political power serves the interests of all the Rwandese people without any discrimination;
8. Respect the secularism of the Rwandese State;
9. Respect national sovereignty and the territorial integrity of the country.

Article 81

The Commission on National Unity and National Reconciliation shall ensure that each political force respects the principles spelt out under Article 80 above.

Article 82

Any political force violating the provisions of Article 80 shall be liable to a sanction of exclusion from the Transitional Institutions, without prejudice to other legal or statutory provisions on the matter. This measure shall be taken by the Supreme Court upon request of the Government, acting on the Commission's report. The request to the Supreme Court shall be preceded by a warning by the Government to the political party concerned; when the warning has not been heeded.

Sub-Section 2: Additional Duties of the Commission for National Unity and National Reconciliation

Article 83

The two parties agree that the Commission on National Unity and National Reconciliation, in addition to the duties specified under Article 24 A of the Protocol of Agreement signed on 30th October, 1992, shall see to it that each political force respects the principles spelt out in the Political Code of Ethics binding the political forces to participate in the Transitional Institutions.

Page 35-36; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-Sharing within the Framework of a Broad-Based Transitional Government; Chapter IV: Specialised Commissions; Article 24

In addition to the Commissions already agreed upon in the previous Agreements, the following broad-based specialised Commissions shall be established:

A. Commission for National Unity and National Reconciliation

This commission, which reports to the Government, shall be responsible for:

1. Preparing a national debate on national unity and national reconciliation.

2. Prepare and distribute information aimed at educating the population and achieving national unity and national reconciliation.

Page 5; Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front (Arusha Agreement); Article 5

The Government of the Republic of Rwanda and the Rwandese Patriotic Front undertake to make every possible effort to ensure that the present Peace Agreement is respected and implemented.

They further undertake to spare no effort to promote National Unity and Reconciliation.

Page 33-34; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-Sharing within the Framework of a Broad-Based Transitional Government; Chapter III: The Executive Power; Section 2: The Broad-based Transitional Government; Sub-Section 5: Outline of the Broad-based Transitional Government Programme; Article 23

The Broad-based Transitional Government shall implement the programme comprising the following:
[...]

C. National Unity and National Reconciliation

1. Restore national unity, in particular and as a matter of urgency by:

a) Setting up efficient mechanisms aimed at eliminating all types of discrimination and exclusion;

b) Working out appropriate legislation in this regard;

c) Establishing a recruitment system for senior government posts, for all other posts, and for admission to schools, based on fair competition giving equal opportunity to all citizens.

2. Organise a national debate on National Unity and National Reconciliation.

Page 35-36; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-Sharing within the Framework of a Broad-Based Transitional Government; Chapter IV: Specialised Commissions; Article 24

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Page 44; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-Sharing within the Framework of a Broad-Based Transitional Government; Chapter VI: Other Areas of Agreement; Article 46

tj_rec

Reconciliation

As a matter of urgency and priority, the Broad-based Transitional Government shall rid the administrative apparatus of all incompetent elements as well as authorities who were involved in the social strife or whose activities are an obstacle to the democratic process and to national reconciliation.
[...]

Page 55-57; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-sharing within the Framework of a Broad-Based Transitional Government (Continuation of the Protocol of Agreement signed 30th October 1992); Chapter VII: New Areas of Agreement; Section 4: Political Code of Ethics binding the Political Forces called upon to Participate in the Transitional Institutions

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Sub-Section 2: Additional Duties of the Commission for National Unity and National Reconciliation

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Page 57; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-sharing within the Framework of a Broad-Based Transitional Government (Continuation of the Protocol of Agreement signed 30th October 1992); Chapter VII: New Areas of Agreement; Section 5: Miscellaneous Provisions; Sub-Section 4: National Conference; Article 88

The National Conference shall consist of a general discussion to focus solely on national unity and national reconciliation, as provided for in Article 23.C.2 of the Protocol of Agreement signed on 30th October, 1992.
[...]

Page 59-60; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Repatriation of Rwandese Refugees and the Resettlement of Displaced Persons; Chapter I: Repatriation of Rwandese Refugees; Section 1: Voluntary Return and Repatriation; Sub-Section 1: Basic Principles

Article 1

The return of Rwandese refugees to their country is an inalienable right and constitutes a factor of peace, national unity, and reconciliation.

Article 4

[...]

The two parties recommend, however, that in order to promote social harmony and national reconciliation, refugees who left the country more than 10 years ago should not reclaim their properties, which might have been occupied by other people. The Government shall compensate them by putting land at their disposal and shall help them to resettle.

Article 5

The repatriation exercise shall aim at achieving a harmonious and definitive integration.

Page 16; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Rule of Law; Chapter I: National Unity

Article 2

National unity implies that the Rwandese people, as constituent elements of the Rwandese nation, are one and indivisible. It also implies the necessity to fight all obstacles to national unity, notably, ethnicism, regionalism, integristism and intolerance which subordinate the national interest to ethnic, regional, religious and personal interest.

Article 3

National unity entails the rejection of all exclusions and any form of discrimination based notably, on ethnicity, region, sex and religion. It also entails that all citizens have equal opportunity of access to all the political, economic and other advantages, which access must be guaranteed by the State.

Page 18; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Rule of Law; Chapter II: Democracy; Article 8

The two parties resolutely reject and undertake to fight:

- political ideologies based on ethnicity, region, religion and intolerance which subordinate national interest to the ethnic, regional, religious or personal interest.

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Protection
Measures

Page 34; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-Sharing within the Framework of a Broad-Based Transitional Government; Chapter III: The Executive Power; Section 2: The Broad-based Transitional Government; Sub-Section 5: Outline of the Broad-based Transitional Government Programme; Article 23

The Broad-based Transitional Government shall implement the programme comprising the following:

[...]

D. Post-war Rehabilitation Programme

[...]

3. Set up a programme of assistance to the victims of war (both civilian and military) and of social strife encountered since the outbreak of the war, to the physically handicapped, orphans, widows and widowers.

Page 64; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Repatriation of Rwandese Refugees and the Resettlement of Displaced Persons; Chapter I: Repatriation of Rwandese Refugees; Section 1: Voluntary Return and Repatriation; Sub-section 4: Assistance

Article 19

The repatriation programme shall also include the supply of medicines and various equipment for the existing or newly established Health Centres.

Vulnerable groups, i.e. women, children, the aged people and the handicapped shall be specifically taken care of.

Article 20

A programme of assistance for children admitted in the educational system shall be established and tailored in such a way as to cater for school fees, funds for the purchase of uniforms and school equipment for two academic years.

Page 64; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Repatriation of Rwandese Refugees and the Resettlement of Displaced Persons; Chapter I: Repatriation of Rwandese Refugees; Section 1: Voluntary Return and Repatriation; Sub-Section 5: Integration Modalities; Article 29

The programme for the reintegration of returnees shall provide additional school facilities, by expanding existing schools or creating new infrastructures to accommodate the returnee children already at school or of school age.

Page 70; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Repatriation of Rwandese Refugees and the Resettlement of Displaced Persons; Chapter I: Repatriation of Rwandese Refugees; Section 2: Other Repatriation Solution: Settlement In The Host Country; Article 35

The Broad-Based Transitional Government shall take and implement measures, including through bilateral agreements, for the protection of the Rwandese nationals who shall have opted to settle in the host countries as immigrants.

Those immigrants shall fully enjoy the same rights as all other Rwandese citizens.

Page 158-59; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter II: The National Gendarmerie; Section 4: Formation of the National Gendarmerie; Article 141: Criteria for the Selection of Members of the National Gendarmerie

The selection of gendarmes to constitute the National Gendarmerie by each party and those to be demobilized shall be carried out in the Assembly points.

Gendarmes to constitute the National Gendarmerie should meet the following criteria:

1. Officers: They should:
[...]

- The war-wounded and handicapped shall, however, remain eligible for the National Gendarmerie service, according to their specializations, unlike the disabled gendarmes who shall be demobilized but assisted. This shall apply to all categories of gendarmes.

Page 165-66; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter III: Demobilization Process; Section 2: Demobilization Modalities; Sub-Section 1: General Conditions; Article 154: The Invalid and Handicapped

The invalid and handicapped whose incapacity to perform their duties shall be testified by a registered physician, shall be paid a monthly invalidity allowance and the Government shall take charge of the education of all their children in Public or subsidized Private Schools.

Page 166; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter III: Demobilization Process; Section 2: Demobilization Modalities; Sub-Section 2: Specific Modalities for Demobilization per Categories of the Personnel to be Demobilized; Article 158

The handicapped or invalid shall take advantage of special programmes designed for socio-economic integration. They shall fall under the responsibility of the Secretariat of State for Rehabilitation and Social Integration as soon as possibilities of their integration will have been identified.

Page 4-5; Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front (Arusha Agreement)

Article 3

The two parties also agree that the Constitution of 10th June, 1991 and the Arusha Peace Agreement shall constitute indissolubly the Fundamental Law that shall govern the Country during the Transition period, taking into account the following provisions:

1. The following Articles of the Constitution shall be replaced by the provisions of the Peace Agreement relating to the same matters. The Articles in question are: 34, 35, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 55, 56, 57, 58, 59, 60, 63, 65, 66, 67, 68, 70, 71, 73, 74, 75 paragraph 2, 77 paragraphs 3 and 4, 81, 82, 83, 84, 85, 86, 87, 88 paragraph 1, 90, 96, 99, 101.

2. In case of conflict between the other provisions of the Constitution and those of the Peace Agreement, the provisions of the Peace Agreement shall prevail. [...]

Article 4

In case of conflict between the provisions of the Fundamental Law and those of other Laws and Regulations, the provisions of the Fundamental Law shall prevail.

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Constitutional
Reform

Page 36; Protocol of Agreement on Power-sharing within the Framework of broad-based Transitional Government between the Government of the Republic of Rwanda and the Rwandese Patriotic Front; Chapter IV: Specialised Commissions; Article 24

In addition to the Commissions already agreed upon in the previous Agreements, the following broad-based specialised Commissions shall be established:

[...]

B. Legal and Constitutional Commission

This Commission shall be responsible for:

1. Drawing up a list of adaptations of national legislation to the provisions of the Peace Agreement, in particular those provisions relating to the Rule of Law.

2. Prepare a preliminary draft of the Constitution which shall govern the country after the Transitional Period.

Page 182; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions; Chapter II: Miscellaneous Provisions, Article 17: Public Freedoms and Fundamental Rights

With regard to public freedoms and fundamental rights, the principles enshrined in the Universal Declaration of Human Rights of 10th December, 1948 shall take precedence over corresponding principles enshrined in the Constitution of the Republic of Rwanda, especially when the latter are contrary to the former.

Page 50-54; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-Sharing within the Framework of a Broad-Based Transitional Government (Continuation of the Protocol of Agreement signed on 30th October, 1992); Chapter VII: New Areas of Agreement

Section 2: Transitional National Assembly

Article 60

The Transitional National Assembly shall, except in the case as provided for in Article 63 of this Protocol of Agreement, be normally composed of seventy (70) members called "Deputies to the Transitional National Assembly". The "Deputies" shall be appointed by their own political forces and their mandate shall cover the whole Transitional Period. The Transitional National Assembly shall make its own rules of procedure.

Article 61

All the political parties registered in Rwanda at the signing of this Protocol as well as the RPF shall be represented in the Transitional National Assembly, on condition that they adhere to and abide by the provisions of the Peace Agreement. To that effect, all these parties and the RPF should, prior to the establishment of the Broad-Based Transitional National Assembly and the Broad-Based Transitional Government, sign a Political Code of Ethics whose principles are spelt out in Article 80 of this Protocol.

Since the RPF and the political parties Participating in the current Coalition Government are automatically, directly or indirectly bound, as a result of the Protocol of Agreement on the Rule of Law signed by the two parties to the negotiations, the political parties which do not participate in the said Government should, from the time of the signing of the Protocol of Agreement on Power-Sharing, demonstrate their commitment to abide by the principles governing the Protocol of Agreement on the Rule of Law, to support the peace process and to avoid engaging in sectarian practices and in any form of violence. Such commitment shall constitute a prerequisite for their participation in the Transitional National Assembly and it is incumbent upon the two parties to the negotiations to see to it that such commitment is real.

Article 62

The numerical distribution of seats in the Transitional National Assembly among the political forces, subject to the implementation of the previous Article, shall be as follows:

MRND: 11 seats
RPF: 11 seats
MDR: 11 seats
PSD: 11 seats
PL: 11 seats
PDC: 4 seats

The other registered parties shall have one (1) seat each.

Article 63

a) The maximum number of members of the Transitional National Assembly shall become the total number of seats of the remaining political forces if, for one reason or another, one or several political forces do not participate in the forming of the Transitional National Assembly, or withdraw from that assembly, provided that the total number is not reduced to less than two-thirds of the number stipulated under Article 60 of this Protocol of Agreement.

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Legislative Branch
Reform

b) If one or several political forces do not participate, or cease to participate in the Transitional National Assembly, and the number of Deputies falls below that stipulated in the above paragraph, the remaining political forces participating in the Transitional National Assembly shall consult and agree on the modalities for the composition of the new National Assembly.

Article 64

A "Deputy" may resign. In this case, his political party shall replace him in consultation with the Bureau of the Transitional National Assembly.

Article 65

All compulsory mandates shall be null and void. The right of the "Deputies" to vote shall be individual.

Article 66

The first session of the Transitional National Assembly shall be devoted to administering the oath of the "Deputies" and to electing the Bureau of the Transitional National Assembly.

Article 67

The Bureau of the Transitional National Assembly shall be composed of the Speaker, the Deputy Speaker and a Secretary.

Article 68

The PSD and PL political parties shall each present one (1) candidate for the post of Speaker of the Transitional National Assembly. The political party that will not have taken the post of Speaker shall present two (2) candidates for the post of Deputy Speaker of the Transitional National Assembly.

The PDC and other political parties which do not hold any ministerial portfolio in the current Coalition Government shall each present one (1) candidate for the post of Secretary.

Voting for the above-mentioned posts shall be by secret ballot and on the basis of an absolute majority of the "Deputies" present.

Article 69

The Transitional National Assembly shall automatically hold, each year, three (3) ordinary sessions of three months each, followed each time by a one (1) month parliamentary leave. When circumstances may so require, the Transitional National Assembly shall hold extraordinary sessions.

The first ordinary session shall begin 15 days after the "Deputies" to the Transitional National Assembly have taken oath of office.

The Transitional National Assembly shall be convened by the Speaker. It may be convened in extraordinary session upon the initiative of the President of the Republic, The Speaker, the Prime Minister or following the decision taken by its members on the basis of an absolute majority. When it is convened in extraordinary session, the Transitional National Assembly shall deal with only those issues that motivated its convening.

Whenever an ordinary or extraordinary session of the Assembly is convened, the agenda and venue shall be indicated. Before any proceedings, the Transitional National Assembly shall adopt its agenda and decide on the urgency of the matters to be discussed. A "Deputy" or the Prime Minister may request the urgent consideration of an item. When the request is made by the latter, the matter in question shall automatically be considered as urgent.

Article 70

The status of a Deputy shall be incompatible with the holding of a Ministerial portfolio and the exercise of any other remunerative activities.

Article 71

Members of the Transitional National Assembly who may be finally sentenced by Courts for criminal offences shall automatically lose their seats. In this case, they shall be replaced in accordance with the provisions of Article 62 of this Protocol.

Article 72

The legislative power shall be exercised by way of laws passed by "Deputies" in the Transitional National Assembly as well as by Orders in Council passed by the Broad-Based Transitional Government in cases of emergency or when the Transitional National Assembly, is unable to convene.

Article 73

Ordinary laws shall be passed on the basis of an absolute majority of the Deputies present. Organic laws shall be passed on the basis of a 3/5 majority.

Article 74

For any lawful seating to be held, a quorum of 2/3 of the members of the Transitional National Assembly shall be required.

Article 75

Sessions of the Transitional National Assembly shall be public; the minutes of the debates shall be published. However, upon request of the Speaker, or the Prime Minister or of one third of its members, the Assembly may, by an absolute majority, decide to sit in camera.

Section 3: Relationship between the Transitional National Assembly and the Broad-Based Transitional Government

Article 76

The Prime Minister, upon a decision of the Cabinet and after consultations with the Bureau of the Transitional National Assembly, may request the President of the Republic to dissolve the Transitional National Assembly. The dissolution cannot take place within the last three months of the Transition.

Article 77 Replacement of the members of the Transitional National Assembly shall be done as per the numerical distribution of seats referred to under Article 62 above. The replacement of each of the members of the Bureau of the Transitional National Assembly shall be made by election in accordance with Article 68 of this Protocol of Agreement.

Article 78

The Transitional National Assembly shall be endowed with the following means of control over government activities:

- Oral Questioning
- Written Questioning
- Committee Hearing
- Commission of Inquiry
- Interpellation
- Motion of censure.

An organic law shall determine the conditions and procedure for this control.

Article 79

The Transitional National Assembly may question the conduct of the Broad-Based Transitional Government as well as that of a Minister or Secretary of State, by voting on a motion of censure against the Prime Minister or any other member of the Government.

Such a motion is not admissible until after questioning and unless it is presented by at least one fifth of the members of the Transitional National Assembly in the case of a Minister or a Secretary of State, and by one third of the members in the case of the Government.

The motion of censure shall be adopted by secret ballot and by a 2/3 majority of the "Deputies" present.

The vote of a motion of censure against the Prime Minister shall entail his resignation and that of the Government. In this case the replacement of the Prime Minister shall be made in accordance with Article 53 of this Protocol of Agreement. The outgoing Government shall dispose of the day-to-day matters until a new Government is formed.

Page 23-32; Protocol of Agreement on Power-sharing within the Framework of broad-based Transitional Government between the Government of the Republic of Rwanda and the Rwandese Patriotic Front; Chapter III: The Executive Power

Article 4

The Executive power shall be exercised collectively through decisions taken in Cabinet meetings, by the President of the Republic and by the Government.

Section 1: The President of the Republic and Head of State

Article 5

Upon the signing of the Peace Agreement, the incumbent President of the Republic and Head of State shall remain in office until the outcome of elections to be held at the end of the Transitional Period.

Article 6

As Head of State, the President of the Republic shall have the following prerogatives:

(a) He shall nominate the Prime Minister and other members of the Cabinet within three days following their appointment by the relevant bodies. After this period, the Prime Minister shall assume office and appoint other Members of the Cabinet.

Modalities for the appointment of the Prime Minister and other Members of the Cabinet shall be provided for in this Peace Agreement;

(b) He shall nominate and accredit Ambassadors, Plenipotentiaries and Extraordinary Envoys abroad, after their appointment by the Cabinet. He shall receive credentials of Ambassadors and Extraordinary Envoys from abroad, after their approval by the Cabinet;

(c) He shall represent the Rwandese State in its relations with other States;

(d) He shall sanction and promulgate, without any right of veto, bills passed by the National Assembly and Orders in Council adopted in the Cabinet meetings within ten days following the date of receipt of the ruling on their constitutionality. After this period, Orders in Council shall be sanctioned and promulgated by the Prime Minister, and the bills shall be sanctioned and promulgated by the Speaker of the Transitional National Assembly;

(e) He shall declare war and sign armistice upon the decision of the Cabinet and after authorization by the National Assembly. To this end, he shall bear the title of Commander-in-Chief of the Armed Forces. The Army and other security forces shall be accountable to the Cabinet, in accordance with the modalities specified in the Peace Agreement.

Article 7

The President of the Republic shall have the right to include any issue of national interest on the agenda of Cabinet meetings.

Article 8

The President of the Republic may, if he so wishes, attend meetings of the Cabinet. In this case, he shall chair the Cabinet meetings.

tr_exe

Executive Branch
Reform

Article 9

Executive Orders by the President of the Republic, shall be discussed and adopted by the Cabinet. Since the President of the Republic shall have the right to be involved in decision-making in the Cabinet, he shall have no right of veto on decisions regularly taken by the Cabinet, in particular, draft Presidential Orders when these are submitted to him by the Prime Minister for signature. This signature officializing the Presidential Orders adopted in the Cabinet, shall be effected within ten days following the day of receipt of the said Orders at the Presidency of the Republic. After this period, the decision shall come into force by way of a Prime Ministerial Order.

Article 10

Legal Acts by the President of the Republic shall be countersigned by the Prime Minister and by relevant Ministers and Secretaries of State.

Article 11

In pursuance of the decisions of the Cabinet and in conformity with the procedure defined under Article 9 of the present Protocol, the President of the Republic shall sign Presidential Orders with regard to the following:

1. the prerogative of mercy;
2. the minting of currency;
3. award of the National Orders;
4. the implementation of laws, when he is so required;
5. the appointment and termination of services of the following senior civil servants:
 - the Principal Private Secretary to the President of the Republic;
 - the Chancellor for National Orders;
 - the Governor of the National Bank of Rwanda;
 - the Rector of the National University of Rwanda;
 - Ambassadors;
 - the Secretary to the Cabinet;
 - the Personal Secretary to the President of the Republic;
 - Advisors in the Presidency of the Republic;
 - Principal Private Secretaries in Ministries;
 - Advisors in Ministries;
 - Head of the Prosecution Department at the Supreme Court;

6. Ratification of International Treaties, Conventions and Agreements. However, Peace Treaties, Treaties of Alliance, Treaties which may entail altering national borders or affect the rights of sovereignty, Treaties on the association of the Republic with one or several other States, as well as Treaties, Conventions and Agreements with financial implications not catered for in the budget, shall be implemented only after their approval by way of a law. The federation of the Republic of Rwanda with one or several other democratic States must be approved through a Referendum.

Article 12

The President of the Republic shall address messages to the Nation, the content of which shall be decided upon by the Cabinet.

Section 2: The Broad-based Transitional Government

Article 13

The current structure of the Government, namely, the number and appellation of Ministries, shall remain unchanged. However, a Secretariat of State in the Prime Minister's Office in charge of Social Rehabilitation and Integration shall be established.

It shall be responsible for:

1. Repatriation and social and economic reintegration of the Rwandese refugees who may wish to go back home;
2. A Post-War Rehabilitation Programme as defined under Item 23.D of the present Protocol.

Article 14

The political parties participating in the Coalition Government established on 16th April, 1992 as well as the Rwandese Patriotic Front shall have the responsibility to set up the Broad-Based Transitional Government. They shall decide, by consensus, on the other political formations which may participate in that Government.

Article 15

The Government shall be composed of the Prime Minister, the Deputy Prime Minister, Ministers and Secretaries of State.

Sub-section 1: The Powers of the Government:

Article 16

The Government shall be responsible for the management of the country. It shall determine and implement national policy. In so doing, the Government shall:

1. Be responsible for the implementation of laws and regulations;
2. Negotiate and conclude international Treaties, Conventions and Agreements;
3. Discuss and adopt draft bills and present them to the National Assembly;
4. Discuss and adopt Orders in Council, in situations of emergency or when the National Assembly is unable to seat, and transmit them to the President of the Republic for promulgation;
5. Appoint and dismiss civil servants.
6. Discuss and adopt Presidential, Prime Ministerial and Ministerial Statutory Orders on the implementation of laws.

Article 17

The Government shall be the guarantor of national sovereignty and national unity.

Sub-section 2: The Prime Minister

Article 18

The Prime Minister shall:

1. In accordance with the Peace Agreement and in consultation with the political forces, prepare the Government programme;
2. In conformity with the modalities provided for in the Peace Agreement, select the other members of the Cabinet;
3. Present the Government programme and the Ministerial team responsible for its implementation to the National Assembly;
4. Lead Government business, convene and chair Cabinet Meetings. He shall prepare the agenda for cabinet meetings, in consultation with the other members of the Government. The Prime Minister shall communicate the agenda to the President of the Republic and to the other members of the Government, at least two days before the date of the meeting.
5. Determine the functions of the Ministers and Secretaries of State as well as the nature and extent of powers of the services under them. The Ministers and Secretaries of State shall be delegated powers by the Prime Minister for the management of the duties of their departments. The Prime Minister shall determine the extent of this delegation of power.
6. In pursuance of the decisions of the Cabinet, sign Prime Ministerial Orders for the appointment and termination of services of the following senior civil servants:
 - the Principal Private Secretary to the Prime Minister;
 - Deputy Governors of the National Bank of Rwanda;
 - Vice-Rectors of the National University of Rwanda;
 - Advisers and “Chefs de Service” in the Prime Minister’s Office;
 - the “Prefets de Prefecture” [District Commissioners];
 - Director in Public Enterprises;

- Directors General in the Ministries;
- Planning and Coordination Officers in Public Enterprises;
- Directors in Public Enterprises and Representatives of the Government in Parastatals;
- Directors and Heads of Division in the Ministries:
 - “Sous-Prefets” [Assistant District Commissioners];
 - Bourgmestres [County Administrators];
- Deputy Directors of Public Prosecution at the Supreme Court;
- Head of the Prosecution Department of the Courts of Appeal;
- Deputy Directors of the Courts of Appeal;
- Head of the Prosecution Department at the Courts of First Instance;
- Assistant State Attorneys.

Upon delegation of power by the Cabinet,

(a) the Minister responsible for the Civil Service shall sign Ministerial Orders with regard to appointments and termination of services of Civil Servants from the rank of chief Clerk or equivalent and lower-level posts.

(b) The Minister of Justice shall sign Ministerial Orders for the appointment and termination of services of Judicial staff other than magistrates.

(c) In Public Enterprises, senior staff shall be appointed by the Board of Directors and the rest of the staff by the relevant Director.

7. Countersign, after their promulgation by the President of the Republic, bills passed by the National Assembly as well as Statutory Orders in Council adopted by the Cabinet.

8. By way of Orders decided upon during cabinet meetings, implement laws and regulations when he is required to do so.

9. Address messages to the Nation whose content shall be decided upon by the Cabinet.

10. May, under exceptional circumstances, after a decision taken by the Cabinet and on consultation with the Bureau of the National Assembly and the Supreme Court, declare a State of Siege or a State of Emergency.

Article 19

Legal acts by the Prime Minister shall be countersigned relevant Ministers and Secretaries of State.

Sub-section 3: Functions of the Deputy Prime Minister

Article 20

The Deputy Prime Minister shall:

1. Upon formal delegation of power, replace the Prime Minister in the event of his absence or hindrance.
2. Act as Prime Minister when the post falls vacant, until a new Prime Minister is appointed, following modalities provided for in the Peace Agreement.
3. In addition, hold a Ministerial Portfolio.

Sub-Section 4: Mode of Decision-Making within the Government

Article 21

Prior to the deliberations, the Cabinet meeting shall adopt its agenda. Cabinet decisions shall be taken by consensus. Where consensus is not reached, the issue at hand shall be returned to the relevant Minister for further study. Consensus on the issue shall once again be required subsequent discussions, and if no consensus is reached, a decision shall be taken on the basis of a partial consensus of a 2/3 of the members of the Government present. For the following issues, however, consensus shall be mandatory:

- amendment to the Peace Agreement;
- declaration of war;

- exercise of the prerogative of mercy and mitigation of sentence;
- defence and security matters,

Article 22

For each Cabinet Meeting, minutes and a summary of decisions shall be written. The summary shall be approved and signed by members who attended the said meeting.

Page 5; Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front (Arusha Agreement)

Article 3

The two parties also agree that the Constitution of 10th June, 1991 and the Arusha Peace Agreement shall constitute indissolubly the Fundamental Law that shall govern the Country during the Transition period, taking into account the following provisions:

[...]

3. The Constitutional Court shall verify the conformity of Laws and Orders in Council with the Fundamental Law thus defined. Pending the enactment of the law on the Supreme Court, the existing Constitutional Court shall remain composed of both the Court of Cassation and the State of Council. The Presiding Judge of the Constitutional Court shall assume the presidency.

Article 4

In case of conflict between the provisions of the Fundamental Law and those of other Laws and Regulations, the provisions of the Fundamental Law shall prevail.

Page 36-42; Protocol of Agreement on Power-sharing within the Framework of broad-based Transitional Government between the Government of the Republic of Rwanda and the Rwandese Patriotic Front; Chapter V: The Judiciary

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Judiciary Reform

Section 1: General Principles

Article 25

1. The powers of the Judiciary shall be exercised by Courts Tribunals and other Jurisdictions. The Judiciary is independent of the Legislature and the Executive.

Justice shall be rendered on the territory of the Republic in the name of the people.

Section 2: Jurisdictions

Article 26

The following ordinary jurisdictions shall be recognized:
Canton Courts, Courts of First Instance. Courts of Appeal and the Supreme Court.

The following Military Jurisdictions shall also be recognized:
Court Martials and the Military Court.

The law may establish any other specialized Courts. However, no special Courts may be established.

Section 3: The Supreme Court

Article 27

The Supreme Court shall particular exercise the following functions:

(a) direct and coordinate the activities of the Courts and Tribunals of the Republic. It shall be the guarantor of the independence of the Judiciary. To this effect it shall be responsible for the professional code of ethics;

(b) ensure the constitutionality of laws and Orders in Council. In so doing, it shall ensure their constitutionality before promulgation;

(c) give a ruling on the petition for annulment of regulations, orders and decisions issued by administrative authorities.

(d) ensure the regularity of popular consultations;

(e) provide, upon request, legal opinions on the regularity of draft Presidential, Prime Ministerial and Ministerial orders as well as on other draft public administration regulations;

(f) give the authentic interpretation on customary practice in case written law is silent thereon;

(g) give a ruling on appeals to the Court of Cassation to have a new trial ordered and on transfer of cases from one Court to another;

(h) arbitrate on institutional conflicts between various State organs;

(i) judge the Accounts of all Public Institutions;

(j) have criminal jurisdiction over the President of the Republic, the Speaker of the National Assembly, the Presiding Judge of the Supreme Court, the Prime Minister, the Deputy Prime Minister, Ministers, Secretaries of State, the Deputy-Presiding Judges of the Supreme Court. Deputies in the National Assembly, the Presiding Judges of the Courts of Appeal, the Public Prosecutors and Deputy Directors of the Supreme Court and of the Courts of Appeal.

On first trial, the above-listed officials shall be tried by the Court of Cassation. On appeal, they shall be Judged by the Supreme Court, In the presence of all the Jurisdictional sections, with at least eleven Judges without including the Judges of the Bench of the Court of Cassation who gave a ruling on the case on the first trial.

Article 28

The Supreme Court shall comprise the following five sections:

- (a) The Department of Courts and Tribunals;
- (b) The Court of Cassation;
- (c) The Constitutional Court;
- (d) The Council of State;
- (e) The Public Accounts Court.

Article 29

The Supreme Court shall be chaired by a Presiding Judge assisted by five Deputy Presiding Judges. The Presiding Judge and the Deputy Presiding Judges shall be selected by the National Assembly from a list presented by the Government based on two candidates for each post. Each Deputy Presiding Judge shall also be Head of one of the sections of the Supreme Court.

The services of the Presiding Judge and Deputy Presiding Judges of the Supreme Court shall be terminated by the National Assembly voting by a 2/3 majority, either upon its initiative, or upon the proposal of the Government. The instruments of appointment and termination of the services of the Presiding Judge and Deputy Presiding Judges shall be signed by the President of the Republic.

Article 30

Candidates for the post of Presiding Judge and Deputy Presiding Judges of the Supreme Court must meet the following requirements:

1. Hold at least a University Degree in Law.
2. Give proof of at least five years' practical experience in the field of Law.

Article 31

Judges of the Supreme Court, of the Court of Appeal as well as the Presiding Judges of the Courts of first instance must hold at least a Degree in Law or equivalent.

Article 32

Upon the decision of the Supreme Council of the Magistrates, the Presiding Judge of the Supreme Court shall sign the Instruments of appointment and termination of services of Judges of the Bench.

Article 33

An organic law shall determine the powers, the organisation and the rules of procedure of the Supreme Court. Pending the adoption of the said law, the legislation in force relating to the powers, organisation and the rules of procedure of these Courts shall remain in force.

Section 5: Relationship between the Supreme Court and the Government

Article 34

The Government shall delegate one or several Commissioners to one or all sections of the Supreme Court to represent it and to avail any required information.

The Government Commissioners shall participate in discussions on matters for which they have been designated but as non-voting members.

Article 35

The implementation of the decisions by the Supreme Court, as well as the financial management of, and other administrative measures concerning the Supreme Court shall be vested in the Government.

However, the law organizing of the Supreme Court shall define the administrative measures coming under its jurisdiction.

Article 36

In matters relating to the organization of the Judiciary, the Supreme Court may submit to the Government any reform proposals which, in its opinion are of general interest.

Section 6: The Supreme Council of Magistrates

Article 37

The Supreme Council of Magistrates shall comprise:

- The Presiding Judge of the Supreme Court as Chairman;
- the Deputy-Presiding Judges of the Supreme Court;
- two Judges of the Bench of the Supreme Court;
- a Judge of the Bench from each Court of Appeal;
- a Judge of the Bench from Courts of First Instance under the Jurisdiction of each Court of Appeal;
- a Magistrate of Canton Court under the Jurisdiction of each Court of Appeal.

The Government Commissioners to the Department of Courts and Tribunals shall attend meetings of the Supreme Council of Magistrates as non-voting members.

The Council shall elect from its members a Vice-Chairman and a Rapporteur.

Article 38

With the exception of the Presiding Judge and the Deputy-Presiding Judges of the Supreme Court, members of the Supreme Council of Magistrates shall be elected by their peers of the same level of Jurisdiction.

Applications shall be submitted to the Supreme Court at least one month before the date of elections. Each candidate shall give proof of at least five years' practical experience in the field of Law.

Elections shall be organized by the Supreme Court.

Article 39

The Supreme Council of the Magistrates shall have the following powers:

(a) Decide on the appointment and termination of services and, in general, the administration of the career of Judges of the Bench other than the Presiding Judge and Deputy-Presiding Judges of the Supreme Court.

(b) Give advisory opinion upon its own initiative or upon request, on any proposal relating to the Judicial staff regulations within its Jurisdictions.

(c) Give advisory opinion, upon its own Initiative or upon request, on any matter concerning the administration of Justice.

Page 56-57; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-sharing within the Framework of a Broad-Based Transitional Government (Continuation of the Protocol of Agreement signed 30th October 1992); Chapter VII: New Areas of Agreement; Section 5: Miscellaneous Provisions; Sub-Section 1: Modalities of Appointment within the Judiciary.

Article 84

In order to maintain the independence of the Judiciary, posts in the Judiciary shall not be subjected to sharing among political forces. Therefore, applications for the posts of Presiding Judge and Deputy Presiding Judge of the Supreme Court, referred to under Article 30 of the Protocol of Agreement signed on 30th October, 1992, shall be considered without any reference to political parties, in order to better ensure the neutrality of magistrates.

Article 85

The Supreme Council of Magistrates shall, in conjunction with the Broad-Based Transitional Government, take all necessary and adequate measures to facilitate the integration of competent, experienced or qualified Rwandese nationals who have not worked or evolved in the current legal system of Rwanda.

Page 90-91; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter I. The National Army; Section 3: Service within the National Army; Sub-Section 2: Disciplinary Regime, Military Courts and the Criminal Investigation and Prosecution Department (Auditorat); Paragraph 1: Principles; Article 31

Breaches of discipline by servicemen shall be liable to punishment by disciplinary committees and various echelons of the military hierarchy empowered to inflict disciplinary punishments provided for.

Infringements of penal laws by servicemen shall be punished by the competent Military Courts which shall hand down the corresponding sentences provided in the said laws.

Page 102-3; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter I. The National Army; Section 2: Service within the National Army, Sub-Section 2: Disciplinary Regime. Military Courts and the Criminal Investigation and Prosecution Department (Auditorat); Paragraph 5. Military Courts and Criminal Investigation and Prosecution Department [Auditorat].

Article 49

Military Courts shall be empowered to pass judgement on offences committed by servicemen and provided for by penal laws.

In accordance with Article 26 of the Protocol of October 30,1992, the recognised Military Courts shall be: the War Councils and the Military Court. The Court of Cassation shall take cognizance of appeals against decisions by the Military Court.

The Court of Cassation shall be empowered to pass penal and first degree judgement on the Chairman and Deputy Chairman of the Army Command High Council and General Officers. On appeal, their cases shall be heard in the forms specified in Article 27 of the Protocol of 30th October, 1992.

The Magistrates of Military Courts shall be fully independent in the exercise of their judicial functions. They shall independently assess cases referred to them and take decisions without being subjected to external pressure. They cannot be given any order or injunction, especially from their immediate superiors.

The Magistrates of Military Courts shall be appointed, for a renewable period of twelve months, by the Cabinet at the proposal of the Army Command High Council and the Command Council of the Gendarmerie, referred to in Article 87 of the present Protocol, meeting in a joint session convened and chaired by the Minister of Defence. The Act of appointment shall be signed by the Prime Minister. The authority vested with the power of appointment may, at any moment, terminate the judicial functions of Magistrates of Military Courts deemed incompetent or unworthy of their posts.

The procedure followed for appointments shall be abided by in the termination of judicial functions of Magistrates of the Military Courts.

Article 50

A Military Criminal Investigation and Prosecution Department is hereby established and shall play the role of the Public Prosecution Department in Military Courts.

Page 146; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter II. The National Gendarmerie; Section 3: Service within the National Gendarmerie; Sub-Section 2: Disciplinary Regime for the National Gendarmerie. Military Courts and Criminal Investigation and Public Prosecution Department (Auditorat); Paragraph 1: Principles; Article 121

Breaches of discipline by gendarmes shall be liable to punishment by disciplinary committees and various echelons of the military hierarchy who inflict disciplinary punishments as provided for.

Violations of penal laws by gendarmes shall be punished by Competent Jurisdictions which pass corresponding sentences provided in the said laws.

Disciplinary punishments and criminal sentences shall entail disciplinary measures affecting the career of gendarmes concerned.

Page 157-58; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter II. The National Gendarmerie; Section 3: Service within the National Gendarmerie; Sub-Section 2: Disciplinary Regime for the National Gendarmerie. Military Courts and Criminal Investigation and Public Prosecution Department (Auditorat); Paragraph 5: Military Courts and Criminal Investigation and Prosecution Department (Auditorat).

Article 139

In criminal matters, Members of the National Gendarmerie shall be heard by Military Courts specified in Article 26 of the Protocol of Agreement of 30th October, 1992.

Article 140

The Court of Cassation shall be empowered to pass penal and first degree judgement on the Chairman and Deputy Chairman of the Command Council of the National Gendarmerie and the General Officers. On appeal, their cases shall be heard by the Supreme Court in the forms specified in Article 27 of the Protocol of 30th October, 1992.

The Military Criminal Investigation and Prosecution Department provided in Article 49 of the present Protocol shall be empowered to prosecute judgement on offences committed by members of the National Gendarmerie.

Page 175; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions; Chapter I: State Security Services; Section 1: Communal Police, Prisons Services, and the Public Prosecution Department; Article 1

Within the framework of implementing the Government's Programme outlined in Article 23 of the Protocol of Agreement of 30th October, 1992, the Broad-Based Transitional Government shall undertake the following activities with regard to the Security Services:

[...]

C. Public Prosecution Department

1. Undertake an extensive reform of the Public Prosecution Department and open it to all the Rwandese Nationals.
2. Make a distinction between the Jurisdiction of the Public Prosecution Department and of other services charged with criminal investigations.
3. Seek technical cooperation for the Public Prosecution Department.

Page 183; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions; Chapter II: Miscellaneous Provisions; Article 21: Jurisdiction, Organization and Functioning of the Supreme Council of Magistracy

An organic law shall determine the Jurisdiction, organization and functioning of the Supreme Council of Magistrates.

Page 26; Protocol of Agreement on Power-sharing within the Framework of broad-based Transitional Government between the Government of the Republic of Rwanda and the Rwandese Patriotic Front; Chapter III: The Executive Power; Section 1: The President of the Republic and the Head of State; Article 11

In pursuance of the decisions of the Cabinet and in conformity with the procedure defined under Article 9 of the present Protocol, the President of the Republic shall sign Presidential Orders with regard to the following:

[...]

5. the appointment and termination of services of the following senior civil servants:
 - the Principal Private Secretary to the President of the Republic;
 - the Chancellor for National Orders;
 - the Governor of the National Bank of Rwanda;
 - the Rector of the National University of Rwanda;
 - Ambassadors;
 - the Secretary to the Cabinet;
 - the Personal Secretary to the President of the Republic;
 - Advisors in the Presidency of the Republic;
 - Principal Private Secretaries in Ministries;

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- Advisors in Ministries;
- Head of the Prosecution Department at the Supreme Court;

Page 29-30; Protocol of Agreement on Power-sharing within the Framework of broad-based Transitional Government between the Government of the Republic of Rwanda and the Rwandese Patriotic Front; Chapter III: The Executive Power; Section 2: The Broad-based Transitional Government; Sub-section 2: The Prime Minister; Article 18

The Prime Minister shall:

[...]

6. In pursuance of the decisions of the Cabinet, sign Prime Ministerial Orders for the appointment and termination of services of the following senior civil servants:

- the Principal Private Secretary to the Prime Minister;
- Deputy Governors of the National Bank of Rwanda;
- Vice-Rectors of the National University of Rwanda;
- Advisers and "Chefs de Service" in the Prime Minister's Office;
- the "Prefets de Prefecture" [District Commissioners].
- Director in Public Enterprises;
- Directors General in the Ministries;
- Planning and Coordination Officers in Public Enterprises;
- Directors In Public Enterprises and Representatives of the Government in Parastatals;
- Directors and Heads of Division in the Ministries;
- "Sous-Prefets"[Assistant District Commissioners];
- Bourgmestres [County Administrators],
- Deputy Directors of Public Prosecution at the Supreme Court;
- Head of the Prosecution Department of the Courts of Appeal;
- Deputy Directors of the Courts of Appeal;
- Head of the Prosecution Department at the Courts of First Instance;
- Assistant State Attorneys.

- Upon delegation of power by the Cabinet,

(a) the Minister responsible for the Civil Service shall sign Ministerial Orders with regard to appointments and termination of services of Civil Servants from the rank of Chief Clerk of equivalent and lower-Level posts.

[...]

Page 33-35; Protocol of Agreement on Power-sharing within the Framework of broad-based Transitional Government between the Government of the Republic of Rwanda and the Rwandese Patriotic Front; Chapter III: The Executive Power; Section 2: The Broad-based Transitional Government; Sub-section 5: Outline of the Broad-based Transitional Government Programme; Article 23

The Broad-based Transitional Government shall implement the programme comprising the following:

[...]

C. National Unity and National Reconciliation

[...]

c) Establishing a recruitment system for senior government posts, for all other posts, and for admission to schools, based on fair competition giving equal opportunity to all citizens.

G. National Ethics

[...]

3. Evaluate and clean up all the State administrative institutions.

Page 44; Protocol of Agreement on Power-sharing within the Framework of broad-based Transitional Government between the Government of the Republic of Rwanda and the Rwandese Patriotic Front; Chapter VI: Other Areas of Agreement; Article 46

As a matter of urgency and priority, the Broad-based Transitional Government shall rid the administrative apparatus of all incompetent elements as well as authorities who were involved in the social strife or whose activities are an obstacle to the democratic process and to national reconciliation?

In any case, all local authorities (Bourgmestres (County Administrators), Sous-Prefets (Assistant District Commissioners), Prefets de Prefecture (District Commissioners), shall have been either replaced or confirmed within three months after the establishment of the Broadbased Transitional Government.

Page 66; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Repatriation of Rwandese Refugees and the Resettlement of Displaced Persons; Chapter I: Repatriation of Rwandese Refugees; Section 1: Voluntary Return and Repatriation; Sub-Section 5: Integration Modalities; Article 25

Lack of knowledge of Kinyarwanda or French shall not constitute an obstacle to employment and discharge of duties within the public sector.

During the first three years of service, with effect from the date of appointment, the returnees shall use those languages they are most familiar with, and shall take intensive French or Kinyarwanda courses. At the end of that period, consideration of this facility shall be re-examined in order to determine whether it would be maintained or not.

To that effect, a programme of linguistic support as well as translation and interpretation services shall be organized, according to the needs, soon after the establishment of the Broad-Based Transitional Government, using funds provided for in the Plan of Action for returnees or any other funds.

Page 71; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Repatriation of Rwandese Refugees and the Resettlement of Displaced Persons; Chapter II: Return of Persons Displaced by War and Social Strifes; Section 2: Administration and Security in the War Zones; Article 37

The administration entities established before the outbreak of war shall be reconstituted.

Page 2; Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front (Arusha Agreement); [Untitled Preamble]; Para 12

Considering that the conflictual situation between the two parties can only brought to an end through the formation of one and single National Army and new National Gendarmerie from forces of the two warring parties;

Page 13; N'sele Ceasefire Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front; Article V

The signatories of the present agreement accept the following principles whose modalities of implementation shall be specified during the political negotiations:

[...]

2. Formation of a national army consisting of Government forces and those of the Rwandese Patriotic Front.

Page 24; Protocol of Agreement on Power-sharing within the Framework of broad-based Transitional Government between the Government of the Republic of Rwanda and the Rwandese Patriotic Front; Chapter III: The Executive Power; Section 1: The President of the Republic and Head of State; Article 6

As Head of State, the President of the Republic shall have the following prerogatives:

[...]

(e) He shall declare war and sign armistice upon the decision of the Cabinet and after authorization by the National Assembly. To this end, he shall bear

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the title of Commander-in -Chief of the Armed Forces. The Army and other security forces shall be accountable to the Cabinet, In accordance with the modalities specified in the Peace Agreement.

Page 32; Protocol of Agreement on Power-sharing within the Framework of broad-based Transitional Government between the Government of the Republic of Rwanda and the Rwandese Patriotic Front; Chapter III: The Executive Power; Section 2: The Broad-based Transitional Government; Sub-section 4: Mode of Decision-Making within the Government; Article 21

Prior to the deliberations, the Cabinet meeting shall adopt its agenda.

Cabinet decisions shall be taken by consensus. Where consensus is not reached, the issue at hand shall be returned to the relevant Minister for further study.

Consensus on the issue shall once again be required subsequent discussions, and if no consensus is reached, a decision shall be taken on the basis of a partial consensus of a 2/3 of the members of the Government present.

For the following issues, however, consensus shall be mandatory:

[...]

- declaration of war;

[...]

- defence and security matters.

Page 33; Protocol of Agreement on Power-sharing within the Framework of broad-based Transitional Government between the Government of the Republic of Rwanda and the Rwandese Patriotic Front; Chapter III: The Executive Power; Section 2: The Broad-based Transitional Government; Sub-section 5: Outline of the Broad-based Transitional Government Programme; Article 23

The Broad-based Transitional Government shall implement the programme comprising the following:

[...]

B. Defence and Security

1. Consolidate peace by taking the necessary measures for the eradication of the causes of war, especially those stemming from the non-respect of National Unity, Human Rights and Democracy,
2. Ensure internal and external security,
3. Take the necessary measures for guaranteeing the security of all the people and their property,
4. Organise defence and security institutions.

Page 74-168; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties

The Government of the Republic of Rwanda on the one hand, and the Rwandese Patriotic Front on the other;

Agree on the following provisions on the integration of the Armed Forces of the two parties:

Chapter 1: The National Army

Section 1: Missions and Principles

Article 1

Subject to modalities and principles mutually agreed upon between the two parties in the present Protocol of Agreement, for the formation of the National

Army, the latter shall fulfil the following missions and shall be guided by the principles below:

A. Missions

1. Defend the national territorial integrity and the sovereignty of the country;
2. Participate, within the framework established by laws and regulations and in consultation with relevant authorities, in operations of maintenance and restoration of law and order as well as in the execution of laws;
3. Participate in relief operations in the event of natural calamities;
4. Contribute to the development of the country, especially through reconstruction and production activities.

B. Principles

1. As an institution, the National Army shall be governed by the laws and regulations of the country;

2. The National Army shall be at the disposal of the Government and shall be subordinated to its

authority, the two institutions abiding by the Fundamental Law as defined in the Peace Agreement, laws, democratic principles and the Rule of Law;

3. The National Army shall be non-partisan;

4. The National Army shall be a regular Army, composed solely of volunteer Rwandese citizens

recruited on the basis of their competence. It shall be open to any Rwandese Nationals, irrespective of their ethnic group, region, sex, religion or language;

5. Members of the National Army shall have the right to be informed about the socio-political life of the country. They shall benefit from civic and political education. To that effect, the Government shall set up a programme for the civic and political education of servicemen;

6. Members of the National Army shall not be affiliated to political parties or to any other association of a political nature. They shall neither take part in activities or demonstrations of political parties or associations. They shall not portray their political allegiances in public;

7. Members of the National Army shall exercise their right to vote. Given the type of the current organization of the Army, however, its members cannot participate in local elections;

8. Members of the National Army may present their candidature for political elective posts, on condition that they resign from the Army.

Section 2: Size, Structure and Organization

Sub-Section I: Size

Article 2

The strength of the National Army (Officers, Non-Commissioned Officers, Corporals and Privates) shall be thirteen thousand (13,000) men.

The ratio between the various categories with respect to the whole size of the Army, shall be 6% for Officers, 22% for Non-Commissioned Officers and 72% for men.

Sub-Section 2: Structure

Article 3

The National Army shall comprise:

1. An Army Command High Council;
2. The Army Headquarters;
3. Four (4) Territorial Brigades;
4. Specialised Units under the Army Headquarters;
5. Support and Service Units under the Army Headquarters.

The Organizational Chart indicating the structure of the National Army is reproduced as Annex I of the present Protocol and is an integral part of it.

Sub-Section 3: Organization

Paragraph 1: The Army Command High Council

Article 4

An Army Command High Council (ACHC) is hereby established and shall, in line with the policy set by the Government, be the highest military organ of consultation and decision-making for matters related to defence and the organization of the Army. It shall be accountable to the Government through the Minister of Defence.

Article 5: Composition

The Army Command High Council shall be composed of:

The Chief of Staff of the National Army: Chairman

The Deputy Chief of Staff of the National Army: Vice-Chairman

Brigade Commanders (4): Members

Second in Command of Brigades (4): Members

Article 6: Functions

The Army Command High Council shall exercise the following functions:

1. Study modalities of implementing the Government policy in matters of defence.
2. Ensure the execution of the defence policy of the country.
3. Set up, in line with the Government general policy, a doctrine of utilization of the Army by establishing mechanisms and strategies for the defence of the national territory as well as the maximum utilization of resources.
4. Approve plans for the utilization of the Army.
5. Draw guidelines for the organization of the supply of logistics.
6. Provide advice, either on its own initiative or upon the request of the Minister of Defence, on defence policy plans, the overall organization of the Army, the state of military service and on any military issue of general concern.
7. Ensure the implementation of the organisation plan of the Army.
8. Study major issues confronting the Units and take decisions to be implemented by the Army headquarters or make recommendations to the Minister of Defence for appropriate action.
9. Supervise the process of formation of the National Army.

Article 7: Meetings

The Army Command High Council shall meet once a month in an ordinary session upon convocation by its Chairman.

The Chairman may call for an extraordinary session when and as needed, and especially on instruction from the Minister of Defence, or at the request of anyone of its members.

The agenda of the meeting shall be specified upon notification to attend.

Article 8: Mode of Decision-Taking

Decisions shall be taken by consensus and communicated to the Minister of Defence.

Decisions or recommendations by the Army Command High Council shall be conveyed to the echelons concerned through the Army Chief of Staff.

Article 9: Rules of Procedure

The Army Command High Council shall establish its own rules of procedure.

Paragraph 2: The Army Headquarters.

Article 10: Functions of the Army Headquarters.

The Army Headquarters shall have the following functions, exercised in conformity with directives of the Army Command High Council:

1. Day-to-day administration and command of the Army;
2. Co-ordinate the activities of Army and those of the Army Headquarters;
3. Implement decisions of the Army Command High Council;
4. Liaise, at the administrative level, between the Army - as an Institution - and the Government, through the Ministry of Defence;
5. Conduct, under the supervision of the Army Command High Council, the process of formation of the National Army, and participate, within the framework of implementation of the Peace Agreement, and in collaboration with the International Neutral Force or the NMOG, in the demobilization process, taking the respective missions and status of those Institutions into consideration.

Article 11: Command of the Army Headquarters.

The Army Headquarters shall be under the command of the Chief of Staff, assisted by the Deputy Chief of Staff.

The Chief of Staff shall be responsible for the Army Headquarters. However, all the decisions shall be taken upon mutual agreement between the Chief of Staff and the Deputy Chief of Staff. The Deputy Chief of Staff shall be especially responsible for the supervision of activities of Departments 2 and 3 of the Army Headquarters. He shall be accountable to the Chief of Staff. He shall replace him in all the matters, in the event of his absence or impediment.

Article 12: Organization and Functions of Army Headquarters Departments.

The Army Headquarters shall be composed of four Departments with the following functions:

1. Department 1 (G1): Management of personnel.
2. Department 2 (G2): Security and Military Intelligence.
 - Security of the personnel and equipment of the National Army;
 - Gathering and utilization of Intelligence.
3. Department 3 (G3): organisation, training, operations, civic and political education.
 - Set up of the doctrine of utilization of the National Army.
 - Proposal on the organizational structure and deployment of the Units;
 - Military training and education;
 - Civic and political education;

- Elaboration of military defence plans;
- Planning of daily and periodic activities of the National Army.

4. Department 4 (G4): Logistics.

- Participation in preparing the budget;
- Providing Units with supplies;
- Management of the National Army patrimony.

Paragraph 3: Territorial Brigades.

Article 13

Territorial Brigades shall be made up of three Battalions each and deployed as follows:

- 1st Brigade to cover Byumba Prefecture;
- 2nd Brigade to cover Kigali, Kibungo and Gitarama Prefectures;
- 3rd Brigade to cover Butare, Gikongoro and Cyangugu Prefectures;
- 4th Brigade to cover Kibuye, Gisenyi and Ruhengeri Prefectures.

Paragraph 4: Specialized Units under the Army Headquarters,

Article 14

There are Specialized Units under the Army Headquarters, namely:

- A Para-commando Battalion;
- A Reconnaissance Battalion;
- A Military Police Battalion whose detachments shall be deployed in the various Brigades, with only two Companies remaining in Kigali.

Paragraph 5: Support and Service Units under the Army Headquarters.

Article 15

There are Support and Service Units under the Army Headquarters, namely:

- An Engineering Battalion;
- A Field Artillery Battalion;
- An Anti-Aircraft Artillery Battalion;
- An Air Force Squadron;
- A Logistics Center;
- Medical Services;
- An Army Band Company;
- The Training Center in Bugesera;
- The Commando Training Centre in Bigogwe

Paragraph 6: Schools.

Article 16

There are also Schools under the Ministry of Defence, namely:

- "Ecole Superieure Militaire" (ESM)
- Staff College "Ecole des Sous-Officiers" (ESO)
- Military Academy.

[...]

Section 3: Service within the National Army,

Sub-Section 1: The Military Service,

Article 17: Principle.

Military service shall be exercised under contract or permanent terms. Men as well as Non-Commissioned Officers with the rank of Sergeant and Staff Sergeant shall serve under contract terms. The Contract shall be valid for seven (7) years renewable once and applicable to the category of servicemen aged between 18 and 40. Other servicemen shall serve on permanent terms.

Article 18: Military Ranks.

Military ranks within the National Army shall fall under three categories and follow each other as indicated below:

CATEGORY 1: MEN:

- Private
- Private 1st Class
- Corporal

CATEGORY 2: NON-COMMISSIONED OFFICERS:

- Sergeant
- Staff Sergeant
- Sergeant Major
- Warrant Officer Class II
- Warrant Officer Class I.

CATEGORY 3: OFFICERS:

1. Junior Officers:

- Second Lieutenant
- Lieutenant
- Captain.

2. Senior Officers:

- Major
- Lieutenant Colonel
- Colonel.

3. General Officers:

- Brigadier
- Major General
- Lieutenant General.

Ranks of Premier Sergeant-Major, "Adjudant Principal" and "Commandant" are abolished. Service currently holding these ranks shall maintain them until they are promoted to higher ranks. They shall be the last ones to hold those ranks, New Ranks of Private 1st Class and Brigadier are hereby established.

Article 19: Correspondence between Military Functions and Ranks.

The correspondence between military functions and ranks shall be as follows:

A. The National Army Headquarters

Function: Chief of Staff; Rank: Major-General, Brigadier, Colonel.

Function: Deputy Chief of Staff; Rank: Major-General, Brigadier, Colonel.

Function: Head of Department in the National Army Headquarters; Rank: Colonel, Lieutenant-Colonel, Major.

Function: Assistant Head of Department in the National Army Headquarters; Rank: Colonel, Lieutenant-Colonel, Major.

Function: Head of a Department Section in the National Army Headquarters; Rank: Lieutenant-Colonel, Major, Commandant, Captain.

Function: Head of a Sub-Section of a Department Section in the National Army Headquarters or Staff Officer in the National Army; Rank: Captain, Lieutenant, 2nd Lieutenant.

B. Units in the National Army

Function: Brigade Commander; Rank: Brigadier, Colonel, Lieutenant-Colonel.

Function: Second in Command of a Brigade; Rank: Brigadier, Colonel, Lieutenant-Colonel, Major.

Function: Battalion Commander; Rank: Lieutenant-Colonel, Major, Commandant, Captain.

Function: Second in Command of a Battalion; Rank: Lieutenant-Colonel, Major, Commandant, Captain.

Function: Section Commander in a Brigade Headquarters; Rank: Lieutenant-Colonel, Major, Commandant, Captain.

Function: Company Commander; Rank: Commandant, Captain, Lieutenant.

Function: Second in Command of a Company; Rank: Commandant, Captain, Lieutenant.

Function: Section Commander in a Battalion Headquarters; Rank: Commandant, Captain, Lieutenant.

Function: Platoon Commander; Rank: Lieutenant, 2nd Lieutenant.

Function: Deputy Platoon Commander; Rank: Warrant Officer Class II, Premier Sergeant-Major, Sergeant Major, Staff Sergeant. Function:
Function: Non-Commissioned Officer of a Brigade; Rank: Warrant Officer Class I, Adjutant Principal Warrant Officer Class II. Function:
Function: Non-Commissioned Officer of a Battalion; Rank: Adjutant Principal Warrant Officer Class II.
Function: Non-Commissioned Officer of a Company; Rank: Premier Sergeant-Major Sergeant-Major, Staff Sergeant.
Function: Section Commander; Rank: Staff Sergeant, Sergeant.
Function: Deputy Commander of Section; Rank: Corporal.
Function: Team Leader; Rank: Corporal or Private 1st Class.
Function: Gunman for special weapon or support arm; Rank: Private 1st Class.
Function: Rifleman; Rank: Private.

C. Military Schools Command,

"Ecole Superieure Militaire" (ESM).

Function: Commander of ESM; Rank: Brigadier, Colonel, Lieutenant-Colonel.
Function: Second in Command of ESM; Rank: Colonel, Lieutenant-Colonel.

"Ecole des Sous-Officiers" (ESO):

"Ecole des Sous-Officiers" (ESO):

Function: Commander of ESO; Rank: Colonel, Lieutenant-Colonel.

Function: Second in Command of ESO; Rank: Colonel, Lieutenant-Colonel, Major.

D. Other Functions.

In addition to the functions mentioned above, there are other functions within the administrative, logistic and technical Army services, which may be exercised by servicemen holding various ranks provided for in the Army.

Article 20: Appointment of Members of the Army Command High Council.

Members of the Army Command High Council shall be appointed by the Cabinet and Orders of their appointment shall be signed by the President of the Republic, in accordance with the provisions of Article 9 of the Protocol of Agreement signed on 30th October, 1992.

Article 21: Appointment of General Officers and Senior Officers and their Promotion in Ranks and Functions.

General Officers and Senior Officers shall be appointed and promoted in ranks functions by the Cabinet, upon recommendation of the Army Command High Council. Orders of their appointment shall be signed by the President of the Republic, in accordance with the provisions of Article 9 of the Protocol of Agreement, signed on 30th October, 1992.

Article 22: Appointment of Junior Officers and their Promotion in Ranks and Functions,

Junior Officers shall be appointed and promoted in ranks and functions by the Cabinet, upon recommendation of the Army Command High Council. Orders of their appointment shall be signed by the Prime Minister.

Article 23: Appointment of Non-Commissioned Officers employed under Permanent Terms and their Promotion in Ranks and Functions.

Non-Commissioned Officers employed under permanent terms shall be appointed and promoted in ranks and functions by the Army Command High Council, convened under the chairmanship of the Minister of Defence, who shall be the one to sign Orders of their appointment.

Article 24: Employment, Posting and Promotion of Servicemen under Contract Terms.

All contracts for servicemen employed under contract terms shall be signed by the Minister of Defence. To be recruited, servicemen must pass a national competitive examination supervised by the Army Command High Council. Upon successful completion of the training programme, they shall be posted in Units by the Army Command High Council at the proposal of the Army Headquarters. Thereafter, promotions shall be made by the Army

Headquarters at the proposal of the Brigade or Autonomous Unit Commanders under the Army Headquarters.

Article 25: Modalities of Promotion.

Modalities of promotion in ranks shall be decided upon by the Government. Servicemen may move from a lower category to an upper category, especially after passing a test organized for that purpose.

Article 26: Commissioning

Conditions and modalities of commissioning to senior ranks and functions shall be specified by the Government.

Article 27: Transfers.

Transfers from a Unit or Service to another Unit or Service and which do not affect the power of appointment entrusted to other authorities shall be made by the Chief of Staff, upon delegation of powers by the Army Command High Council, and in consultation with the Unit Commanders or those in charge of Services.

Transfers within Units which do not affect the power of appointment entrusted to other authorities shall be made by Commanders of those Units and the Chief of Staff shall be informed.

Article 28: Secondment, Detachment and Transfer.

Members of the National Army may be seconded, detached or transferred to another Service. The authority vested with the power of nomination to military ranks and functions shall take adequate measures to make available the servicemen concerned by secondment, detachment or transfer.

Article 29: Termination of Service.

Resignation, leave without pay, dismissal as well as pensioning off shall be decided upon by the authority vested with the power of appointment or promotion.

Article 30: Age of Retirement.

The age of retirement shall be:

- 45 years for Non-Commissioned Officers employed under contract terms and for Junior Officers;
- 50 years for Senior Officers;
- 55 years for General Officers.

Upon reaching the retirement age, servicemen employed under permanent terms, and exercising specialized functions may, however, benefit from a service extension and be employed under contract terms. In this case, they cannot expect to be promoted.

Sub-Section 2: Disciplinary Regime. Military Courts and the Criminal Investigation and Prosecution Department (Auditorat)

Paragraph 1: Principles

Article 31

Breaches of discipline by servicemen shall be liable to punishment by disciplinary committees and various echelons of the military hierarchy empowered to inflict disciplinary punishments provided for. Infringements of penal laws by servicemen shall be punished by the competent Military Courts which shall hand down the corresponding sentences provided in the said laws. Disciplinary punishments and the final criminal sentences shall entail disciplinary measures affecting the career of servicemen concerned.

Paragraph 2: Disciplinary Punishments.

Article 32

Breaches of discipline which, according to the penal laws, fall short of offences, shall entail disciplinary punishments. The military disciplinary regulations shall specify the conduct of servicemen.

Disciplinary punishments shall be aimed at redressing the behaviour of individual servicemen with a view to maintaining harmony and discipline within the Units and Services. It shall therefore be forbidden to transform disciplinary punishments into a means of harassment.

Article 33: Disciplinary Committees.

Disciplinary Committees are hereby be set up within each Unit to rule on breaches of discipline.

Within the Battalion, which constitutes a part of a Brigade, a Disciplinary Committee shall be set up to give ruling on cases involving Noncommissioned Officers, Corporals, Privates First Class and Privates deployed within the Battalion

A Disciplinary Committee within the Brigade shall rule on cases involving Officers of the said Brigade, except those involving Battalion Commanders and their Second in Command. The Disciplinary Committee of the Brigade shall also give its ruling on appeals against decisions by disciplinary Committees of Battalions under its jurisdiction.

Disciplinary Committees within Autonomous Battalions and Companies shall be set up at two levels:

- A Disciplinary Committee made up of Officers to rule on cases involving Officers of the said Battalion or Company, except those involving the Battalion Commander and his Second in Command, and the Company Commander and his Second in Command.

- A Disciplinary Committee made of Officers, Non Commissioned Officers and Rank and File to rule on cases involving Non-Commissioned Officers, Corporal, Privates First Class and Privates deployed within the said Battalion or Company.

Rulings given by that Disciplinary Committee shall not be subject to an appeal before the Disciplinary Committee giving rulings on cases involving Officers. Armed Forces Restructuring & Reform Recruitment, Training & Rules for Government Employees

Article 34: Competence of the Army Command High Council with regard to Discipline.

The Army Command High Council shall give its ruling on cases involving Brigade Commanders and their Second in Command, Officered and Autonomous Battalion Commanders and their Second in Command, and Autonomous Company Commanders and their Second in Command.

The Army Command High Council shall also rule on cases of appeals against disciplinary punishments handed down to Officers by disciplinary Committees of Brigades, autonomous Battalions and Companies.

Article 35: Appointment of Disciplinary Committee Members.

Members of the Disciplinary Committees shall be appointed by the Army Command High Council for an indefinite period. The Army Command High Council may replace them whenever it deems it necessary.

Members of the Disciplinary Committees shall be fully independent in the execution of their duties. They shall independently assess cases referred to them and take decisions on case warrants without being subjected to any external pressure. They cannot be given any order or injunction, especially from their immediate superiors.

Article 36: The Competence of the Military Hierarchy with regard to Discipline.

Officers responsible for order and discipline within their Units shall be empowered to inflict punishment to defaulting Non-Commissioned Officers and Men, such as cleaning fatigues (cleaning of sanitary facilities, etc.) and non exhausting physical exercises (push-ups, hopping, long-distance running, etc.).

Punishments inflicted by the military hierarchy shall not be put on record in the personal file of the punished serviceman and, therefore, shall not entail disciplinary measures.

Furthermore, Unit Commanders shall have the power of provisional arrest, not exceeding 48 hours, over any defaulting serviceman under their authority. The competent Disciplinary Committee shall also be a forum to give ruling on appeals lodged against punishments inflicted by the hierarchy

Article 37: Disciplinary Punishments Applicable to Officers.

1. The Admonition: Written warning reprimanding the addressee

2. Arrests with Access: maximum 21 days. Under such arrests, the party concerned shall be under obligation to stay confined within his residence, without possibility of leaving, except for performing his duties, taking his meals and carrying out duties approved by the Command. The punishment decision shall specify whether visitors are allowed or not.

3. Arrests without Access: maximum 15 days. Under such arrests, the party concerned shall be dispensed from any services. He shall be suspended from all military duties and forbidden to leave his residence, except for taking his meals, or performing duties approved by the Command. He shall be formally barred from receiving visitors, except as the service may require. This suspension shall not be taken into account when pension is calculated.

Article 38: Disciplinary Punishments applicable to Non-Commissioned Officers.

1. Open Arrests: maximum of 21 days. This punishment does not exempt the party concerned from performing his military duties. It shall consist in barring the party concerned from leaving the quarters, except for attending to his duties and performing tasks approved by the Command, participating in any collective recreation or attending any entertainment which may be organized within his quarters, or using the mess and the Canteen.

2- Close Arrest: maximum of 21 days. This punishment does not exempt the party concerned from performing his duties. The party shall be under obligation to stay indoors without the possibility of leaving, except to attend to his duties and other tasks approved by the Command. No visitors shall be allowed. In the case of single Non-Commissioned Officers, meals shall be taken to them by those who are on week duty in the camp.

3. Military Confinement: maximum of 15 days. Under such arrests, the party concerned shall be exempted from any services. The punishment shall consist of continued detention in the cell for the whole duration of the punishment. The serviceman serving out such a punishment may, however, be compelled to carry out exercises and work within the quarters; may use whatever time is strictly necessary for carrying out duties approved by the Command and must be subjected to a daily compulsory constitutional walk of 30 minutes.

Article 39: Disciplinary Punishments Applicable to Men.

1. Open Arrests: maximum of 21 days. This punishment does not exempt the party concerned from performing his military duties. It shall consist in barring the party concerned from leaving the quarters, except for attending to his duties and performing tasks approved by the Command, participating in any collective recreation or attending any entertainment which may be organized within his quarters, or using the Canteen.

2. Arrests in the Guardhouse: maximum of 21 days. Under such arrests, the party concerned shall not be exempted from performing his duties; He shall be forbidden to leave the quarters, except for attending to his duties and performing tasks approved by the Command; He shall be forbidden to participate in any collective recreation or attend any entertainment organized

in the quarters; He shall be forbidden to go to the Canteen and compelled to stay within the guardhouse from evening till the reveille on week days, and the whole day on Sundays and public holidays, except when performing certain duties approved by the Command; The party concerned shall be compelled to take a daily constitutional walk of 30 minutes during the period of seclusion.

3- Military Confinement: maximum of 15 days. To be sentenced to military confinement shall exempt the party concerned from all duties. The punishment shall consist of continued detention in the cell for the whole duration of the sentence. However, the serviceman serving out one of these punishments may be compelled to carry out exercises and work within the quarters; may use whatever time is strictly necessary for carrying out duties approved by the Command, and must be subjected to a daily compulsory constitutional walk of 30 minutes.

Article 40: Deduction of a 1/4 of the Salary.

Concurrently with a disciplinary punishment, servicemen guilty of failing to maintain, causing the deterioration, loss, theft or total or partial destruction of items or other material belonging to the State may have a quarter of their salaries deducted until the costs of the damage are recovered in full.

Paragraph 3. Disciplinary Measures.

Article 41: Principles.

Any serviceman having been liable to a disciplinary punishment or penalty meted out by a competent Court may be subject to a disciplinary measure to be specified by relevant organs.

No disciplinary measure can be inflicted as long as the facts of the case have not been ascertained, either by the disciplinary committees or the military Courts, as the case may be.

Disciplinary measures serve as a warning and may entail delay in promotion, removal from function or office, on a temporary or permanent basis.

Disciplinary measures shall be inflicted by the authority vested with the powers of appointment and promotion.

Article 42: Disciplinary Measures falling under the Government's Competence.

Disciplinary measures applicable to Officers shall be decided upon by the Cabinet at the proposal the Army Command High Council. Relevant Orders shall be signed, as the case may be, either by the President of the Republic or by the Prime Minister

Article 43: Disciplinary Measures falling under the Competence of the Minister of Defence and the Army Command High Council.

The Army Command High Council, convening under the chairmanship of the Minister of Defence, shall give its ruling on cases involving Non-commissioned Officers and decide on disciplinary action to be taken against them. The Minister of Defence shall sign the Order relating to the agreed disciplinary measures.

Article 44: Disciplinary Measures falling under the Competence of the Army Headquarters,

The Army Headquarters shall rule on cases involving Corporals, Privates first class and privates, and shall adopt the required disciplinary measures. The Chief of Staff shall sign Acts containing the disciplinary measures adopted by the Army Headquarters. The Act containing the disciplinary measure terminating the contract shall, however, be signed by the Minister of Defence.

Article 45: Disciplinary Measures applicable to Officers,

1. Delay in Promotion. Disciplinary punishments applicable to Officers of all ranks shall entail the following delays in promotion: Three (3) months for one (1) admonition; Six (6) months for one (1) punishment consisting of an arrest

with access; Nine (9) months for one (1) punishment consisting of an arrest without access. Any Officer sentenced to a term of imprisonment not exceeding six (6) months, shall have his promotion held up for a period between six (6) and twelve (12) months.

2. Suspension of Military Duties. Any Officer sentenced to a term of imprisonment not exceeding six (6) months shall be suspended from all military duties for a period corresponding to the duration of the sentence.

3. Automatic Dismissal and Removal from Office. Any Officer sentenced to a term of imprisonment exceeding six (6) months shall automatically be dismissed or removed from office. In any case, he shall be removed from Office if he was sentenced by a Criminal Court.

Article 46: Disciplinary Measures applicable to Non-Commissioned Officers.

1. Delay in promotion. Disciplinary punishments applicable to Non-Commissioned Officers of all ranks shall entail the following delays in promotion: Three (3) months for one (1) punishment consisting in a close arrest or two (2) punishments consisting in open arrests; Six (6) months one for (1) punishment consisting in military confinement; Nine (9) months for two (2) punishments consisting in military confinement; Twelve (12) months for three (3) punishments consisting in military confinement. Any Non-Commissioned Officer sentenced to a term of imprisonment not exceeding six (6) months, shall have his promotion held up for a period between six (6) and twelve (12) months.

2. Suspension of all Military Duties. Any Non-Commissioned Officer sentenced to a term of imprisonment not exceeding six (6) months shall be suspended from all military duties for a period corresponding to the duration of the sentence.

3. Automatic Dismissal and Removal from Office. Any Non-Commissioned Officer sentenced to a term of imprisonment exceeding six (6) months shall automatically be either dismissed or removed from Office. In any case, he shall be removed from Office if he was sentenced for a criminal offence.

4. Termination of Contract. The contract shall be terminated for any Non-Commissioned Officer employed under Contract terms, sentenced to a term of imprisonment exceeding six (6) months

Article 47: Disciplinary Measures applicable to Men.

1 Delay in Promotion. Disciplinary punishments applicable to Rank and File shall entail the following delays in promotion: Three (3) months for one (1) punishment consisting in an arrest in the guardhouse or two (2) open arrests; Six (6) months for one (1) punishment consisting in military confinement; Nine (9) months for two (2) punishments consisting in military confinement; Twelve (12) months for three (3) punishments consisting in military confinement. Any Man sentenced to a term of imprisonment not exceeding six (6) months, shall have his promotion held up for a period between six (6) and twelve (12) months. These delays in promotion shall be effective after the concerned party has passed a promotion test.

2. Suspension of all Military Duties. Any Rank and File sentenced to a term of imprisonment not exceeding six (6) months shall be suspended from all military duties for a period corresponding to the duration of the sentence.

3. Termination of Contract The contract shall be terminated for any Private, Private and 1st Class or any "Corporal" sentenced to a term of imprisonment exceeding six(6) months.

Paragraph 4: The Commission Responsible for the Drafting of Disciplinary Regulations.

Article 48

An Ad Hoc Joint Drafting Committee is hereby set up to prepare the integral text of the disciplinary regulations for the National Army. The Committee shall be expected to start its work before 15th August, 1993 and complete it by 31st

August, 1993. The Commission shall base its work on draft texts of disciplinary regulations worked out by each party. The Joint Committee shall work under the chairmanship of the Commander of the Neutral Military Observer Group or a person appointed by him, the latter shall be in touch with the two parties so as to set up a working timetable. Regulations drafted by the Joint Committee shall constitute the temporary disciplinary regulations for the National Army, pending their adoption by the Broad-Based Transitional Government, through a Presidential Decree.

Paragraph 5. Military Courts and Criminal Investigation and Prosecution Department [Auditorat].

Article 49

Military Courts shall be empowered to pass judgement on offences committed by servicemen and provided for by penal laws.

In accordance with Article 26 of the Protocol of October 30, 1992, the recognised Military Courts shall be: the War Councils and the Military Court. The Court of Cassation shall take cognizance of appeals against decisions by the Military Court.

The Court of Cassation shall be empowered to pass penal and first degree judgement on the Chairman and Deputy Chairman of the Army Command High Council and General Officers. On appeal, their cases shall be heard in the forms specified in Article 27 of the Protocol of 30th October, 1992.

The Magistrates of Military Courts shall be fully independent in the exercise of their judicial functions. They shall independently assess cases referred to them and take decisions without being subjected to external pressure. They cannot be given any order or injunction, especially from their immediate superiors.

The Magistrates of Military Courts shall be appointed, for a renewable period of twelve months, by the Cabinet at the proposal of the Army Command High Council and the Command Council of the Gendarmerie, referred to in Article 87 of the present Protocol, meeting in a joint session convened and chaired by the Minister of Defence. The Act of appointment shall be signed by the Prime Minister. The authority vested with the power of appointment may, at any moment, terminate the judicial functions of Magistrates of Military Courts deemed incompetent or unworthy of their posts. The procedure followed for appointments shall be abided by in the termination of judicial functions of Magistrates of the Military Courts.

Article 50

A Military Criminal Investigation and Prosecution Department is hereby established and shall play the role of the Public Prosecution Department in Military Courts.

Section 4: Formation of the National Army.

Sub-Section 1: Process of the Formation of the National Army.

Article 51

The process of formation of the National Army shall be conducted in the following stages: Establishment of the Army Command High Council; Establishment of the Neutral International Force; Disengagement of forces; Integration operations; Training of servicemen; Deployment of troops in the Units.

Paragraph 1: Establishment of the Army Command High Council.

Article 52

The Army Command High Council shall be established concomitantly with the Transitional Institutions.

Paragraph 2: The Neutral International Force.

[...]

Paragraph 3: Disengagement of Forces.

[...]

Paragraph 4: Integration Operations

Article 73: Criteria for the Selection of Servicemen in the National Army

The selection of servicemen to constitute the National Army by each party and those to be demobilized shall be carried out in the Assembly points. Servicemen to constitute the National Army should meet the following criteria:

1. Officers

They should:

- be volunteers;
- be serving as Officers;
- be Rwandese Nationals.
- be physically fit, i.e. they should obtain a certificate of physical fitness from a registered physician.
- The war-wounded and handicapped shall, however, remain eligible for Army service, according to their specializations, unlike the disabled servicemen who shall be demobilized but assisted. This shall apply to all categories of servicemen.
- be at least 21 years of age.

2. Non-Commissioned Officers

They should:

- be volunteers;
- be serving as Non-Commissioned Officers;
- be Rwandese Nationals;
- be physically fit;
- be at least 18 years old.

3. Troops

They should:

- be volunteers;
- be serving in the Army;
- be Rwandese Nationals;
- be physically fit;
- be at least 18 years old.

For all 3 categories of servicemen, a cross-check shall be made out in case of any doubt concerning personal particulars, as per criteria spelled out above.

Each party shall determine independently the rank and seniority of each member of its force.

Article 74: Proportions and Distribution of Command Posts

During the establishment of the National Army, the proportions and distribution of Command posts between the two parties shall abide by the following principles:

1. The Government forces shall contribute 60% of the forces and the RPF 40% of the forces for all levels apart from the posts of Command described below.
2. In the chain of Command, from the Army Headquarters to the Battalion, each party shall have a 50% representation for the following posts:

Chief of Staff, Deputy Chief of Staff, Heads of Departments at the Army General Headquarters (G1, G2, G3, G4), Brigade Commanders, Seconds in Command of Brigades, Heads of Sections at Brigade Headquarters (S1, S2, S3, S4), Battalion Commanders and Seconds in Command of Battalions, Commanders and Seconds in Command of Specialized Units, namely: Paracommando, Reconnaissance, Military Police Battalions, and of Support Units, Engineering, Field Artillery, Anti-aircraft Artillery Battalions and the Logistics Center; Commanders and Seconds in Command of the Schools - ESM and ESO -and Commanders and Seconds in Command of the Training Centres in BIGOGWE and BUGESERA.

3. All top posts described above shall be distributed among the Officers of the Rwandese Government and those of the RPF in accordance with the principle of alternation.

Thus, the Rwandese Government forces and the RPF forces shall supply an equal number of Brigade and Battalion Commanders, of Seconds in Command of Brigade and Battalion, of Heads of Department at the Army Headquarters, of Heads of Section at Brigade Headquarters; of Commanders and Seconds in Command of Specialized and Support Units, of Schools and Training Centers described above. However, neither force can hold at the same time the posts of Commander and Second in Command within the same Unit.

4. Without prejudice to Article 73, the proportions of the two forces in all the structures of the National Army shall be affected by no prerequisite condition in terms of accessibility. Thus, adequate training shall be given to the servicemen retained without fulfilling all the necessary requirements in accordance with the modalities determined by the Army Command High Council.

5. The post of Chief of Staff of the National Army shall be held to the Government party and the one of Deputy Chief of Staff to the Rwandese Patriotic Front (RPF).

Article 75: Specific Case of Officer Trainees in ESM and Non-Commissioned Officer Trainees in ESO

The Trainees still following their studies in the Schools of the Armed Forces as well as servicemen undergoing short term training abroad shall be considered as active members of the Armed Forces.

The recruitment within the Armed Forces shall be frozen until the end of the Transition Period. The Broad-Based Transitional Government may, however, decide, after seeking advice from the Army Command High Council and the Command Council of the National Gendarmerie to resume admission to the School of Armed Forces before the end of the Transition Period.

Paragraph 5: Training of the National Army

Article 76

Elements of each Force selected to constitute the National Army shall undergo training for purposes of harmonizing techniques and achieving harmonious integration of servicemen.

Article 77: Training Phases

The training shall be carried out in two phases:

Phase 1: The separate training of servicemen of the Rwandese Armed Forces and the Rwandese Patriotic Army shall be conducted in their respective zones. This phase shall be aimed at preparing servicemen of both parties to live together in their future Units so as to constitute a single Army and do away with the spirit of antagonism nurtured by the war. The duration of the separate training shall be one month.

Phase 2: The joint training of the Units to constitute the National Army shall be dispensed to servicemen from the two Forces, in the same training centres.

That training shall be dispensed to servicemen to constitute the National Army and selected by each party, in accordance with the criteria spelled out under Article 73 of the present Protocol.

It shall, as much as possible, begin after the designation of servicemen within their Units.

This phase shall be aimed at harmonizing techniques of the two armies, nurturing the team spirit, enhancing the patriotic spirit and that of reconciliation. Such training shall be organized in training centres in three (3) batches composed of more or less than four thousand and four hundred (4,400) men. Each batch shall undergo a two-month training in the centres.

The duration of the joint training shall be 7 months, i.e. two (2) months training for each batch, and 2 x 15 days of preparation between the batches. Servicemen who will not be selected for the first batch shall be waiting in the Assembly points for their turn.

The Army Command High Council shall decide on the overall training programme as well as on the sequence of rotations in training centres.

The programme and calendar of training are attached of the present Protocol as Annex II and are an integral part of this Protocol.

Article 78: Instructors

For all the training phases, recourse shall be made to Rwandese instructors provided by the two parties and foreign instructors. The latter shall be provided by countries to be agreed upon by the two parties as well as the Neutral International Force. The number of instructors shall amount to 10% of the number of servicemen to be trained in each batch.

The joint training of Rwandese instructors shall be undertaken, as much as possible, before the separate training of servicemen from both parties.

Article 79: Joint Commission of Programmes

An Ad Hoc Joint Commission of Programmes is hereby set up and shall be responsible for the elaboration of syllabuses relating to all subjects to be taught during the separate and joint training periods. Those syllabuses should be made available before the disengagement of the forces of the two parties.

The said Commission shall start its work before 15th August, 1993 and shall be expected to be through by 31st August, 1993.

The draft syllabuses elaborated by each party shall constitute the basis for the work of the Commission.

The Commission shall work under the Chairmanship of the Neutral Military Observer Group Commander or a person appointed by him. The latter shall come into touch with the two parties so as to set up the calendar of work.

Paragraph 6: Deployment of Troops in the Units.

[...]

Paragraph 7: The Responsibility of the Broad-Based Transitional Government with regard to the Integration of Forces.

[...]

CHAPTER II: THE NATIONAL GENDARMERIE.

[...]

Page 176-77; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions; Chapter I: State Security Services; Section 2: State Security Services

Article 2: Structure

The current structure of the State Security Services shall be maintained. They shall consist of the following:

- External Security under the Ministry of Defence;
 - Internal Intelligence Service under the Prime Minister's Office;
- [...]

Article 3: Principles

The State Security Services shall be guided by the following principles:

1. They shall serve the Government and shall be subjected to its authority.
- [...]

Article 4: Coordination of Intelligence Services

An Organ responsible for the coordination of all intelligence gathered by various State Intelligence Services shall be established within the Prime Minister's Office.

The Chart indicating the coordination of all these Services is attached to the Protocol as an Annex.

The Broad-based Transitional Government shall set up a Commission to carry out a comprehensive study of the problems pertaining to State Security and propose the best way of organizing the Intelligence Services in the country.

Page 33; Protocol of Agreement on Power-sharing within the Framework of broad-based Transitional Government between the Government of the Republic of Rwanda and the Rwandese Patriotic Front; Chapter III: The Executive Power; Section 2: The Broad-based Transitional Government; Sub-section 5: Outline of the Broad-based Transitional Government Programme; Article 23

The Broad-based Transitional Government shall implement the programme comprising the following:

[...]

B. Defence and Security

[...]

2. Ensure internal and external security,

[...]

4. Organise defence and security institutions.

Page 123-62; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter II: The National Gendarmerie

Section 1: Definition, Missions and Principles

Article 82: Definitions

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Police Reform

The National Gendarmerie is an armed force established to ensure the implementation of laws with a view to maintaining public order and security.

Article 83: Missions

The National Gendarmerie shall fulfil the following missions:

1. Maintain and restore public order;
2. Prevent offences;
3. Trace offences and their perpetrators;
4. Carry out arrests in conformity with the law;
5. Perform police duties within the administration;
6. Perform, within the limits established by the law, prosecution and criminal investigation duties;
7. Enforce laws and regulations for which it was directly mandated,
8. Perform police duties in Courts and Tribunals;
9. Ensure the protection of people and property;
10. Rescue and provide assistance to people in danger or distress;
11. Intervene in the event of disaster or calamity;
12. Perform traffic police duties throughout the national territory;
13. Ensure the security of airports;
14. Collaborate, within the framework of bilateral cooperation, with INTERPOL and counterpart Institutions of foreign countries;
15. Participate, within the framework established by the law, in the defence of the national territory.

Article 84: Principles

1. The National Gendarmerie, as an Institution, shall be governed by laws and regulations of the country. In its functioning and the performance of its duties,

it shall observe the spirit and letter of International Conventions to which the Republic of Rwanda is a party.

2. The National Gendarmerie shall be at the disposal of the Government and shall be subordinated to its authority, the two institutions abiding by the Fundamental Law, the laws, Democratic principles and the Rule of Law

3. The National Gendarmerie shall, in line with its mission to ensure public order and internal security within the limits of the principles enunciated above, act spontaneously and independently organize its activities, so as to fulfil that mission. It shall, therefore, be answerable to the Government with regard to internal security of the country.

4. The National Gendarmerie shall submit reports to the administrative authority of the Area where it operates and shall regularly inform the latter about its activities.

5. The National Gendarmerie shall be a non partisan force. To this end, it shall always be guided, in the performance of its duties, by the supreme interest of the State and the public good, and shall perform its duties in an unbiased manner.

6. Members of the National Gendarmerie shall solely be recruited among Rwandese volunteer citizens, on the basis of their competence. The National Gendarmerie shall be open to any Rwandese nationals, irrespective of their ethnic group, region, sex and religion.

7. Each member of the National Gendarmerie should be easily identifiable by the public, by wearing insignias bearing either their name or regimental number, or both. Gendarmes usually wearing civilian clothes, because of their duties, should be able to produce their service cards to prove that they are gendarmes, whenever they are so required while performing their duties. Members of the National Gendarmerie should be strictly courteous and polite in their relations with the public. In the fulfilment of their mission, they shall not impose cruel, inhuman and degrading treatment on the public.

8. Members of the National Gendarmerie shall have the right to be informed on the socio-political life of the country. They shall receive civic and political education.

9. Members of the National Gendarmerie shall not be affiliated to political parties or any other association of a political nature. They shall neither take part in activities or demonstrations of political parties or associations. They shall not portray their political allegiances in public.

10. Members of the National Gendarmerie shall exercise their right to vote. Given the type of the current organization of the National Gendarmerie, however, its members shall not participate in local elections.

11. Members of the National Gendarmerie may stand for political elective posts, on condition that they resign from the Gendarmerie.

Section 2: Size, Structure and Organization

Sub-Section 1: Size

Article 85

The strength of the National Gendarmerie (Officers, Non-Commissioned Officers, Corporals and Gendarmes) shall be six thousand (6,000) men. The ratio between the various categories shall be 6% for Officers, 24% for Non-Commissioned Officers and 70% for Corporals and Gendarmes.

Sub-Section 2: Structure

The National Gendarmerie shall comprise:

1. A Command Council;
2. The Gendarmerie Headquarters;
3. A Security Committee;
4. Territorial Units;

5. Specialized Units;
6. Support and Service Units.

The Organizational Chart of the National Gendarmerie is attached to the present Protocol as a Annex III, and is part and parcel of this Protocol.

Sub-Section 3: Organization of the National Gendarmerie

Paragraph 1: Command Council of the National Gendarmerie

Article 87

A Command Council of the National Gendarmerie (C.C.N.G.) is hereby established and shall, within the framework of the policy outlined by the Government, constitute an organ of consultation and decision-making in matters related to the organization and coordination of the activities of the National Gendarmerie. It shall be accountable to the Government through the Minister of Defence.

Article 88

Setting up of the Command Council of the National Gendarmerie. The Command Council of the National Gendarmerie shall be put in place at the same time as the Transitional Institutions.

Article 89: Composition

The Command Council of the National Gendarmerie shall be composed of:

- The Chief of Staff of National Gendarmerie: Chairman
- The Deputy Chief of Staff of the National Gendarmerie: Deputy Chairman
- Commanders of "Groupements" (11): Members

Article 90: Functions

The Command Council of the National Gendarmerie shall exercise the following functions:

1. Work out modalities for the implementation of the Government policy with regard to public security in the country;
2. Ensure that the country's public security policy is implemented;
3. Decide, in line with the general policy of the Government, on the doctrine of utilization of the National Gendarmerie, through the establishment of mechanisms and strategies for the maintenance of law and order, and security as well as the best utilization of resources;
4. Establish guidelines for the organization of the supply of logistics;
5. Provide advice, either on its own initiative or upon the request of the Minister of Defence, on policy plans for the maintenance of public and order and security, the overall organization of the National Gendarmerie, the state of service of Gendarmes and any issue of general concern confronting the National Gendarmerie;
6. Ensure efficient organization and administration of the National Gendarmerie;
7. Study major issues confronting the Units and take decisions to be implemented by the National Gendarmerie Headquarters or make recommendations to the Minister of Defence for appropriate action;
8. Supervise the conduct of the process of formation of the National Gendarmerie.

Article 91: Meetings

The Command Council of the Gendarmerie shall meet once a month in an ordinary session, upon convocation by its Chairman. The Chairman may call for an extraordinary session when and as needed, and especially on instruction from the Minister of Defence, or at the request of anyone of its

members. The agenda of the Meeting shall be specified upon notification to attend;

Article 92: Mode of Decision-Making

Decisions shall be taken by consensus and communicated to the Minister of Defence; Decisions or recommendations by the Command Council of the National Gendarmerie shall be conveyed to the echelons concerned through the Chief of Staff

Article 93: Rules of Procedure

The Command Council of the Gendarmerie shall work out its own rules of procedure.

Paragraph 2: The National Gendarmerie Headquarters

Article 94: Missions of the Headquarters

The Headquarters shall be an organ liaising between the National Gendarmerie, as an Institution, and the Executive power. It shall be responsible for the day-to-day administration and command of the National Gendarmerie. It shall implement decisions by the Command Council of the National Gendarmerie and coordinate activities of the National Gendarmerie, in accordance with directives issued by the Command Council.

Article 95: Functions of the Headquarters of the National Gendarmerie

The Headquarters of the National Gendarmerie shall have the following functions:

1. Day-to-day administration and command of the National Gendarmerie;
2. Coordinate activities of the National Gendarmerie;
3. implement decisions by the Command Council of the Gendarmerie and Security Committee;
4. Liaise, at the administrative level, the National Gendarmerie, as an Institution, with the Government, through the Ministry of Defence,
5. Conduct the process of formation of the National Gendarmerie and participate in the demobilization process within the framework of implementing the Peace Agreement, in collaboration with the Neutral International Force and under the supervision of the Command Council of the National Gendarmerie.

Article 96: Command of the National Gendarmerie Headquarters

The Headquarters shall be under the Command of the Chief of Staff, assisted by the Deputy Chief of Staff. The Chief of Staff shall be responsible for the National Gendarmerie Headquarters. However, all decisions shall, be taken upon mutual agreement between the Chief of Staff and the Deputy Chief of Staff. The Deputy Chief of Staff shall especially be responsible for the supervision of activities entrusted to Departments 2 and 3 of the Headquarters. He shall be accountable to the Chief of Staff. He shall replace the Chief of Staff and dispose of all the matters in the event of the latter's absence or impediment.

Article 97: Organization and Functions of the Departments of the National Gendarmerie Headquarters

The National Gendarmerie Headquarters shall be composed of (four) 4 Departments with the following functions:

1. Department 1 (G1): Management of personnel.
2. Department 2 (G2): Security and intelligence.
 - Security of personnel and equipment of the National Gendarmerie
 - Gathering and use of intelligence relating to the Corps of the National Gendarmerie.

3. Department 3 (G3): Organization, training, education, operations, civic and political education.

- Work out the doctrine of utilization of the National Gendarmerie;
- Proposal on the organisational structure and deployment of Units;
- Education and training;
- Civic and political education;
- Elaboration of plans for the maintenance of public order and security;
- Planning of daily and periodic activities within the National Gendarmerie.

4. Department 4 (G4): Logistics

- Participation in preparing the budget;
 - Providing Units with supplies;
 - Management of the National Gendarmerie patrimony.
- Police Restructuring & Reform Administrative Arrangements

Paragraph 3: Security Committee of the National Gendarmerie

Article 98

A Security Committee is hereby established and shall constitute, within the framework of the management of internal security, an organ of consultation and decision-making in matters related to internal security within the National Gendarmerie.

Article 99: Composition

The Security Committee shall be composed of the following:

- The Chief of Staff of the National Gendarmerie: Chairman
- The Deputy Chief of Staff of the National Gendarmerie: Deputy Chairman
- The Chief of Criminal Investigation Service: Member
- The Chief of Specialized Intelligence Service: Member
- The Commander of the "Groupement" of Kigali City "Prefecture": Member

Article 100: Functions

The Security Committee of the National Gendarmerie shall Study all major issues relating to the Internal Security of the country, and take decisions to be implemented by the National Gendarmerie Headquarters or make recommendations to the Command Council of the National Gendarmerie for appropriate action.

Article 101: Meetings

The Security Committee of the National Gendarmerie shall meet once a week upon convocation of its Chairman, and when and as needed. The agenda of the meeting shall be specified in the notification to attend.

Paragraph 4: Territorial Units

Article 102: Principle

Each "Prefecture" shall have a Territorial Unit of the National Gendarmerie, referred to as "Groupement". The "Groupement" shall be deployed in Territorial Companies and the latter shall be deployed in stations of the National Gendarmerie.

Article 103: Deployment

The Command Council of the National Gendarmerie shall undertake the deployment of the National Gendarmerie, taking especially into account the prevailing security situation.

In any case, each "Sub-Prefecture" entity, or 3 to 4 "Communes" where there is no such "Sub-Prefecture" entity, shall be served by a Territorial Company.

In a like manner, a permanent station of the Gendarmerie shall be established in each Commune and/or each important rural centre. The Command Council of the National Gendarmerie shall draw a plan for the establishment of those permanent stations.

Paragraph 5: Specialized Units

Article 104

The National Gendarmerie shall be composed of the following Specialised Units:

1. A Criminal Investigation Service responsible for criminal investigation and technical police;
2. An Intervention Group to keep watch on sensitive or vital places in the country, intervene in the event of riots and neutralize armed gangs;
3. A Specialized Intelligence Service to gather and make use of intelligence relevant to public order and internal security;
4. A Republican Guard responsible for the security and protection of civilian authorities and personalities in the country and those from abroad. It shall also be responsible for the Guard of honour;
5. A Mobile Brigade responsible for motorized patrols, the pursuit and interception of criminals;
6. A Road Safety Unit to perform traffic police duties;
7. A Unit for the Security of Airports, responsible for the security of Airports, Airports installations and the security of passengers;
8. A Fire Brigade to intervene in the event of fire, disaster and calamity;
9. A Dog Section responsible especially for the detection of drugs and explosives;
10. A Military Police to oversee the observance of discipline by Gendarmes.

Paragraph 6: Support and Service Units.

Article 105

The National Gendarmerie shall be composed of the following Support Units and Service Units:

1. A General Headquarters Company;
2. A Logistic Services Group;
3. A Band Unit;
4. Medical Services.

Section 3: Service within the National Gendarmerie.

Sub-Section 1: Terms of Service

Article 107: Principle

The service of a gendarme shall be under contract or permanent terms. Men as well as Non-Commissioned Officers with ranks of Sergeant and Staff Sergeant shall be employed under contract terms. The contract shall be valid for seven (7) years renewable once and applicable to the category of gendarmes aged between 18 and 40. Other gendarmes shall be employed under permanent terms.

Article 108: Ranks

Ranks within the National Gendarmerie shall fall under three categories and follow each other as indicated below:

Category 1: Men.

- Gendarme
- Corporal

Category 2: Non-Commissioned Officers.

- Sergeant
- Staff Sergeant
- Sergeant Major
- Warrant Officer Class I
- Warrant Officer Class II

Category 3: Officers

1. Junior Officers
 - Second Lieutenant
 - Lieutenant
 - Captain

- 2. Senior Officers
 - Major
 - Lieutenant-Colonel
 - Colonel

- 3. General Officers
 - Brigadier
 - Major-General
 - Lieutenant General

Ranks of "Premier Sergent-Major", "Adjudant Principal" and "Commandant" are abolished. Gendarmes currently holding these ranks shall maintain them until they are promoted to higher ranks. They shall be the last ones to hold them. A new rank of Brigadier is hereby established.

Article 109: Correspondence between Functions and Ranks within the National Gendarmerie

The correspondence between functions and ranks of Gendarmes shall be as follows:

- A. The National Gendarmerie Headquarters
[...]
- B. Units of the National Gendarmerie
[...]
- C. School of the National Gendarmerie (EGENA)
[...]
- D. Other Functions

In addition to the functions mentioned above, there are other functions within the administrative, logistic and technical services of the National Gendarmerie which may be exercised by gendarmes holding various ranks provided for in the National Gendarmerie.

Article 110: Appointment of Members of the Command Council of the National Gendarmerie

Members of the Command Council of the National Gendarmerie shall be appointed by the Cabinet, and Orders of their appointment shall be signed by the President of the Republic, in accordance with the provisions of Article 9 of the Protocol of Agreement, signed on 30th October, 1992.

Article 111: Appointment of General Officers and Senior Officers and their Promotion to Ranks and Functions

General Officers and Senior Officers shall be appointed and promoted to ranks and functions by the Cabinet, upon recommendation of the Command Council of the National Gendarmerie. Orders of their appointment shall be signed by the President of the Republic, in accordance with the provisions of Article 9 of the Protocol of Agreement signed on 30th October, 1992.

Article 112: Appointment of Junior Officers and their Promotion to Ranks and Functions

Junior Officers shall be appointed and promoted to ranks and functions by the Cabinet, upon recommendation of the Command Council of the National Gendarmerie. Orders of their appointment shall be signed by the Prime Minister.

Article 113: Appointment of Non-Commissioned Officers employed under Statutory Terms and their Promotion to Ranks and Functions

Non-Commissioned Officers shall be appointed and promoted to ranks and functions by the Command Council of the Gendarmerie, meeting under the chairmanship of the Minister of Defence, who will be the one to sign Orders of their appointment.

Article 114: Employment, Posting and Promotion of Gendarmes Under Contract Terms

All contracts for gendarmes employed under contract terms shall be signed by the Minister of Defence. To be employed, gendarmes must pass a national competitive examination, supervised by the Command Council of the Gendarmerie. Upon successful completion of the training programme, gendarmes shall be posted in units by the Command Council of the Gendarmerie at the proposal of the National Gendarmerie Headquarters. Thereafter, promotions shall be made by the National Gendarmerie Headquarters at the proposal of the Unit Commanders.

Article 115: Modalities of Promotion

Modalities for the promotion to ranks shall be decided upon by the Government. Gendarmes may move from a lower category to an upper category, especially after passing a test organized for that purpose.

Article 116: Commissioning

Conditions and modalities of Commissioning to ranks or functions shall be specified by the Government.

Article 117: Transfers

Transfers from a Unit or Service to another Unit or Service and which do not affect the powers of appointment vested in other authorities, shall be made by the Chief of Staff upon delegation of powers by the Command Council of the National Gendarmerie, and in consultation with the Units Commanders or those in charge of Services.

Transfers within Units and which do not affect the powers of appointment vested in other authorities shall be made by Commanders of those Units and the Chief of Staff shall be informed.

Article 118: Secondment, Detachment and Transfer

Members of the National Gendarmerie may be seconded, detached or transferred to another Service. The authority vested with the power of appointment to gendarme ranks and functions shall take adequate measures to make available the gendarmes concerned by secondment, detachment or transfer.

Article 119: Termination of Service

Resignation, leave without pay, dismissal as well as pensioning off shall be decided upon by the authority vested with the power of appointment or promotion.

Article 120: Age of Retirement

The age of retirement shall be:

- 45 years for Non-Commissioned Officers employed on permanent terms and for Junior Officers;
- 50 years for Senior Officers;
- 55 years for General Officers.

Upon reaching the retirement age, gendarmes employed under permanent terms, and exercising specialized functions shall, however, benefit from a service extension and be employed under contract terms. In this case, they cannot expect to be promoted.

Sub-Section 2: Disciplinary Regime for the National Gendarmerie. Military Courts and Criminal Investigation and Public Prosecution Department (Auditorat)

Paragraph 1: Principles

Article 121

[...]

Paragraph 2: Disciplinary Punishments

Article 122

[...]

Article 123: Disciplinary Committees

[...]

Article 124: The Competence of the Command Council of the National Gendarmerie with regard to Discipline

[...]

Article 125: Appointment of Members of the Disciplinary Committees

[...]

Article 126: The Competence of the Military Hierarchy with regard to Discipline

[...]

Article 127: Disciplinary Punishments Applicable to Officers

[...]

Article 128: Disciplinary Punishments applicable to Non-Commissioned Officers

[...]

Article 129: Disciplinary Punishments Applicable to Men

[...]

Article 130: Deduction of a 1/4 of the Salary

[...]

Paragraph 3. Disciplinary Measures

Article 131: Principles

[...]

Article 132: Disciplinary Measures falling under the Competence of the Government

[...]

Article 133: Disciplinary Measures falling under the Competence of the Minister of Defence and the Command Council of the National Gendarmerie

[...]

Article 134: The Competence of the Gendarmerie Headquarters

[...]

Article 135: Disciplinary Measures applicable to Officers

[...]

Article 136: Disciplinary Measures applicable to Non-Commissioned Officers

[...]

Article 137: Disciplinary Measures applicable to Men

[...]

Paragraph 4: Committee Responsible for Drafting Regulations of the National Gendarmerie

Article 138

[...]

Paragraph 5: Military Courts and Criminal Investigation and Prosecution Department (Auditorat)

Article 139

[...]

Article 140

[...]

Section 4: Formation of the National Gendarmerie

Article 141: Criteria for the Selection of Members of the National Gendarmerie

[...]

Article 142: Training of the National Gendarmerie

[...]

Article 143: Instructors

[...]

Article 144: Proportions and Distribution of Posts of Command

[...]

Article 145: Specific Case of Officer Trainees in ESM and Non-Commissioned Officer Trainees in ESO

[...]

Page 163; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter II: The National Gendarmerie; Section 5: Collaboration between the National Gendarmerie and the Communal Police; Article 146

The Communal Police, under the Communal authority shall, in addition to its exclusive functions, assist the National Gendarmerie in the fulfilment of its general mission of maintaining public order and security.

The National Gendarmerie shall assist the Ministry of Interior and Communal Development in the training and retraining of the Communal Police.

At the Communal level, the Commander of the Gendarmerie Station shall supervise the training and daily operations of the Communal Police. However, only the Communal Police shall carry out operations related to the implementation of police regulations enacted by the Local Administrative Authority.

Page 174-75; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions; Chapter I: State Security Services; Section 1: Communal Police, Prisons Services, and the Public Prosecution Department

Article 1

Within the framework of implementing the Government's Programme outlined in Article 23 of the Protocol of Agreement of 30th October, 1992, the Broad-Based Transitional Government shall undertake the following activities with regard to the Security Services:

A. Communal Police

1. Ensure that policemen are recruited on the basis of the security needs of the Commune, and that an optimal ratio is established between the strength of the Police force and the size of the population in the Commune, in accordance with standard criteria applicable throughout the country.
2. Improve and enhance the level of training of the Communal Police Force and adapt it to suit its specific tasks.
3. Provide assistance to the Communes in matters of security, especially by improving the service conditions of the Communal Police.
4. Define the modalities of collaboration between the Communal Police Force and other Security Organs.

5. Evaluate and improve on the performance of the Communal Police Force.

Page 176; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions; Chapter I: State Security Services; Section 2: State Security Services; Article 2: Structure

The current structure of the State Security Services shall be maintained. They shall consist of the following:

- External Security under the Ministry of Defence;
- Internal Intelligence Service under the Prime Minister's Office;
- Immigration and Emigration Service under the Ministry of Interior and Communal Development.

Page 176; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions; Chapter I: State Security Services; Section 2: State Security Services; Article 3: Principles

The State Security Services shall be guided by the following principles:

1. They shall serve the Government and shall be subjected to its authority.
2. They must confine their activities to the gathering of intelligence relevant to the missions entrusted to them. They shall have no power of arrest, such power shall be vested in the relevant authorities, (Public Prosecution Department, the National Gendarmerie and the Communal Police).
3. They must abide by the law and must conform to the letter and spirit of the International Conventions to which the Republic of Rwanda is a party.
4. They must respect the civic rights of citizens as well as fundamental freedoms.
5. In exercising their duties, they shall be guided by the supreme interest of the State and the public good. They shall perform their duties in a non-partisan spirit and must act with absolute impartiality and neutrality vis-a-vis political parties.

Page 176; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions; Chapter I: State Security Services; Section 2: State Security Services; Article 5: Participation of the Rwandese Patriotic Front in the State Security Services

The Broad-Based Transitional Government shall create new posts in the State Security Services within three months after the setting up of the Broad-Based Transitional Government. The RPF shall be effectively represented at all levels of the departments (External Security, Internal Security Services, Immigration and Emigration), particularly at the level of Director and Deputy Director of the Departments and within the organ responsible for the Coordination of State Security Services.

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Education Reform

Page 64-68; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Repatriation of Rwandese Refugees and the Resettlement of Displaced Persons; Chapter I: Repatriation of Rwandese Refugees; Section 1: Voluntary Return and Repatriation

Sub-section 4: Assistance

Article 20

A programme of assistance for children admitted in the educational system shall be established and tailored in such a way as to cater for school fees,

funds for the purchase of uniforms and school equipment for two academic years.

Sub-Section 5: Integration Modalities

Article 26

The existing Commissions on the Equivalence of diplomas shall include qualified personnel among returnees and shall pay special attention to that problem.

Diplomas and certificates internationally recognised shall be considered for purposes of employment in the educational institutions or appointment to professional posts, in accordance with the UNESCO grading regulations and systems.

Article 30

For purposes of ensuring a smooth integration into the educational system in the country, and avoiding that students interrupt their studies and suffer adverse effects, a number of measures shall be taken:

1. During the first year, education should be provided in the language used in the country of asylum.

2. Within the first three months, intensive French courses should be organised for teachers and students, especially for students in the senior level of primary school and for students in secondary schools and institutions of higher learning, from the anglophone countries.

3 Some of the aspects of adaptation may be catered for in the private educational system.

4. The Plan of Action for Rvwandese refugees shall take in charge students in their last two years of the primary, secondary schools and institutions of higher learning who may wish to stay behind and complete their studies in the host countries, if the educational systems in which they were studying are not available in Rwanda. Their certificates shall be recognized in accordance with the UNESCO system of equivalence of diplomas, certificates, etc

However, special attention shall be given to the writing and reading of Kinyarwanda through additional remedial lessons, to enable new pupils and any other who might experience similar difficulties to catch up with those who are more conversant with the language.

Page 72; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Repatriation of Rwandese Refugees and the Resettlement of Displaced Persons; Chapter II: Return of Persons Displaced by War and Social Strifes; Section 3 Humanitarian Assistance; Article 43

The humanitarian aid shall consist of:

[...]

6. Education (School equipment, uniforms, school fees for a period of two years);

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Media Reform

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Demobilization,
Disarmament &
Reintegration

Page 13; N'sele Ceasefire Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front; Article V

The signatories of the present agreement accept the following principles whose modalities of implementation shall be specified during the political negotiations.

[...]

2. Formation of a national army consisting of Government forces and those of the Rwandese Patriotic Front;

Page 34; Protocol of Agreement on Power-sharing within the Framework of broad-based Transitional Government between the Government of the Republic of Rwanda and the Rwandese Patriotic Front; Chapter III: The Executive Power; Section 2: The Broad-based Transitional Government; Sub-section 5: Outline of the Broad-based Transitional Government Programme; Article 23

The Broad-based Transitional Government shall implement the programme comprising the following:

[...]

D. Post-war Rehabilitation Programme

[...]

4. Set up appropriate programmes for the economic and social integration of the demobilised military personnel.

Page 103; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter I: The National Army; Section 4: Formation of the National Army; Sub-Section 1: Process of the Formation of the National Army; Article 51

The process of formation of the National Army shall be conducted in the following stages:

Establishment of the Army Command High Council;

Establishment of the Neutral International Force;

Disengagement of forces;

Integration operations;

Training of servicemen;

Deployment of troops in the Units.

Page 104-14; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter I: The National Army; Section 4: Formation of the National Army; Sub-Section 1: Process of the Formation of the National Army.

Paragraph 2: The Neutral International Force.

Article 54: Missions

The Neutral International Force shall have the following missions:

[...]

C. Missions of Supervising the Process of Formation of the National Army.

1. Undertake the demarcation of Assembly Zones and identify places for the establishment of Assembly and Cantonment points.

2. The Neutral International Force shall be responsible for the preparation of Assembly and Cantonment points. It shall take in and manage all the equipment and financial resources required for the performance of that duty.

The Military barracks may serve as Assembly or Cantonment points, on condition that the two parties be informed. These camps shall be subjected to the monitoring of the Neutral International Force and to requirements of other Assembly or Cantonment points

[...]

4. Supervise:

- operations for the disengagement of forces, especially the movement of troops towards Assembly points, and servicemen moving to the Cantonment points for purposes of depositing heavy weapons;

- the transformation of military barracks into Assembly or Cantonment points;

[...]

7. Keep watch on cantonment points and participate in the guard of light weapons and ammunition magazines located in Assembly points.

8. Supervise operations for the identification of the military personnel to be carried out in the various Assembly points.

[...]

10. Participate in the programme designed for the training of members of the new Armed Forces and cater for the security of Training Centres.

11. Supervise the operations for the demobilization of servicemen and gendarmes not eligible to constitute the new Armed Forces.

[...]

Paragraph 3: Disengagement of Forces. Definitions.

Article 55: Definitions

An Assembly zone is a portion of the national territory within which the Assembly and Cantonment points of each of the two parties shall be located.

Assembly points are centres where specific groups of servicemen of the two Forces shall be confined and their identification conducted. Those centres shall be the starting point of the formation, integration and demobilization process that shall be conducted under the supervision of the Neutral International Force.

Cantonment points are places identified for the storage of heavy weapons outside the Assembly points.

Article 56: Demarcation of Assembly Zones.

The demarcation of Assembly zones shall be undertaken by the United Nations Reconnaissance Mission in collaboration with the NMOG, on the basis of the current positions of the two Forces. During this demarcation exercise, care will be taken to ensure that the following conditions are fulfilled:

1. The two assembly zones be separated by a demilitarized zone whose width shall be superior to the range of heavy artillery used in the conflict;
2. Each Assembly zone shall contain all the Assembly and Cantonment points of the party concerned;
3. Within the Assembly zones, the Assembly points shall be located in such a way as to avoid clustering;
4. The Assembly and Cantonment points shall be located in such a way to allow the population to use its habitual property and facilities;
5. The Assembly zones shall be demarcated so as to avoid encirclement of one force by another.

Article 57: Identification of Assembly Points.

Assembly points shall be identified by the International Neutral Force, in collaboration with each party within its Assembly zone. These points shall, as much as possible, be located on Government's Estates or Estates belonging to collectivities, and shall be located far from built-up areas.

In identifying an Assembly point, account shall be taken of viability requirements (availability of water, hospitable climate, etc.) and facilities for an easy organization of supplies, it being clearly understood that supplies refer to non lethal items.

Article 58: Movement of Troops towards Assembly Points.

The Neutral International Force, in collaboration with the Army Command High Council, shall specify the date whereby elements of the two sides shall move

towards the Assembly points after having deposited heavy weapons in the Cantonment points.

All the elements of the two Forces should join the Assembly points, except the administrative and support staff, whose composition and size shall be determined by the Neutral International Force, in collaboration with the Army Command High Council.

[...]

Article 60: Security of Assembly Points.

The security of Assembly points shall be jointly ensured by contingents amounting to 10% of the total strength of those points and whose minimal size should be one hundred and twenty (120) men, and by members of the Neutral International Force. The personnel of those contingents shall carry individual weapons only, and shall strictly be deployed within the Assembly points. Additional security measures to be taken in each Assembly point shall be decided upon by mutual agreement between the Commander of the Assembly point and the Neutral International Force, taking into account the specificities of each Assembly point.

[...]

Article 66: Identification of Cantonment Points.

There shall be several Cantonment points located in the respective Assembly zones. Their ultimate number and their location shall be decided upon by the Commander of the Neutral International Force, after seeking the approval of the party concerned. Cantonment points shall be distant enough from Assembly points.

Article 67: Definition of Heavy Weapons

All weapons shall be considered as heavy weapons except pistols, UZZI sub-machine guns, sub-machine guns, rifles, light machine-guns (6.25 mm), medium machine guns (7.62 mm) and general-purpose machine guns (7.62 mm).

Armoured vehicles such as personnel carriers, tanks etc. helicopters and other military aircraft belong to the category of heavy weapons.

Upon the request of the Army Command High Council and the Command Council of the National Gendarmerie, the Neutral International Force or the expanded NMOG may authorize the use of those vehicles and aircraft for specified missions.

Article 68: Guard and Maintenance of Arms within the Cantonment Points

The Cantonment points shall be under the only control of the Neutral Internal Force. Some members of the respective parties shall, however, be authorized by the Neutral International Force to visit the Cantonment points for purposes of servicing heavy weapons.

Article 69: Ownership of Arms and Military Equipment in the Assembly and Cantonment Points

The Military equipment based in Assembly or Cantonment points and stored in magazines located in the Assembly points shall be verified and an inventory and record kept. This equipment shall remain the property of either party until the completion of the integration of the two forces.

Thereafter, the Broad-Based Transitional Government shall, at the proposal of the Army Command High Council, decide on the fate of those arms, ammunition and military equipment.

Article 70: Determining the Types of Light weapons for the National Army and the National Gendarmerie

The Army Command High Council (ACHC) and the Command Council of the National Gendarmerie (CCNG) shall determine the type of light weapons for the National Army and the National Gendarmerie. Those weapons should be available at the training sites at the start of the integration process of the forces.

Those weapons shall be made available by the ACHC and the CCNG and shall belong to the National Army and the National Gendarmerie respectively.

Page 116-19; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter 1: The National Army; Section 4: Formation of the National Army; Sub-Section 1: Process of the Formation of the National Army

Paragraph 4: Integration Operations

Article 73: Criteria for the Selection of Servicemen in the National Army.

The selection of servicemen to constitute the National Army by each party and those to be demobilized shall be carried out in the Assembly points. Servicemen to constitute the National Army should meet the following criteria:

1. Officers

They should:

- be volunteers;
- be serving as Officers;
- be Rwandese Nationals.
- be physically fit, i.e. they should obtain a certificate of physical fitness from a registered physician.
- The war-wounded and handicapped shall, however, remain eligible for Army service, according to their specializations, unlike the disabled servicemen who shall be demobilized but assisted. This shall apply to all categories of servicemen.
- be at least 21 years of age.

2. Non-Commissioned Officers

They should:

- be volunteers;
- be serving as Non-Commissioned Officers;
- be Rwandese Nationals;
- be physically fit;
- be at least 18 years old.

3. Troops

They should:

- be volunteers;
- be serving in the Army;
- be Rwandese Nationals;
- be physically fit;
- be at least 18 years old.

For all 3 categories of servicemen, a cross-check shall be made out in case of any doubt concerning personal particulars, as per criteria spelled out above.

Each party shall determine independently the rank and seniority of each member of its force.

Article 74: Proportions and Distribution of Command Posts

During the establishment of the National Army, the proportions and distribution of Command posts between the two parties shall abide by the following principles:

1. The Government forces shall contribute 60% of the forces and the RPF 40% of the forces for all levels apart from the posts of Command described below.
2. In the chain of Command, from the Army Headquarters to the Battalion, each party shall have a 50% representation for the following posts:

Chief of Staff, Deputy Chief of Staff, Heads of Departments at the Army General Headquarters (G1, G2, G3, G4), Brigade Commanders, Seconds in

Command of Brigades, Heads of Sections at Brigade Headquarters (S1, S2, S3, S4), Battalion Commanders and Seconds in Command of Battalions, Commanders and Seconds in Command of Specialized Units, namely: Paracommando, Reconnaissance, Military Police Battalions, and of Support Units, Engineering, Field Artillery, Anti-aircraft Artillery Battalions and the Logistics Center; Commanders and Seconds in Command of the Schools - ESM and ESO -and Commanders and Seconds in Command of the Training Centres in BIGOGWE and BUGESERA.

3. All top posts described above shall be distributed among the Officers of the Rwandese Government and those of the RPF in accordance with the principle of alternation.

Thus, the Rwandese Government forces and the RPF forces shall supply an equal number of Brigade and Battalion Commanders, of Seconds in Command of Brigade and Battalion, of Heads of Department at the Army Headquarters, of Heads of Section at Brigade Headquarters; of Commanders and Seconds in Command of Specialized and Support Units, of Schools and Training Centers described above. However, neither force can hold at the same time the posts of Commander and Second in Command within the same Unit.

4. Without prejudice to Article 73, the proportions of the two forces in all the structures of the National Army shall be affected by no prerequisite condition in terms of accessibility. Thus, adequate training shall be given to the servicemen retained without fulfilling all the necessary requirements in accordance with the modalities determined by the Army Command High Council.

5. The post of Chief of Staff of the National Army shall be held to the Government party and the one of Deputy Chief of Staff to the Rwandese Patriotic Front (RTF).

[...]

Paragraph 5: Training of the National Army

Article 76

Elements of each Force selected to constitute the National Army shall undergo training for purposes of harmonizing techniques and achieving harmonious integration of servicemen.

Article 77: Training Phases

The training shall be carried out in two phases:

Phase 1: The separate training of servicemen of the Rwandese Armed Forces and the Rwandese Patriotic Army shall be conducted in their respective zones. This phase shall be aimed at preparing servicemen of both parties to live together in their future Units so as to constitute a single Army and do away with the spirit of antagonism nurtured by the war. The duration of the separate training shall be one month.

Phase 2: The joint training of the Units to constitute the National Army shall be dispensed to servicemen from the two Forces, in the same training centres.

That training shall be dispensed to servicemen to constitute the National Army and selected by each party, in accordance with the criteria spelled out under Article 73 of the present Protocol.

It shall, as much as possible, begin after the designation of servicemen within their Units.

This phase shall be aimed at harmonizing techniques of the two armies, nurturing the team spirit, enhancing the patriotic spirit and that of reconciliation. Such training shall be organized in training centres in three (3) batches composed of more or less than four thousand and four hundred (4,400) men. Each batch shall undergo a two-month training in the centres.

The duration of the joint training shall be 7 months, i.e. two (2) months training for each batch, and 2 x 15 days of preparation between the batches.

Servicemen who will not be selected for the first batch shall be waiting in the Assembly points for their turn.

The Army Command High Council shall decide on the overall training programme as well as on the sequence of rotations in training centres.

The programme and calendar of training are attached of the present Protocol as Annex II and are an integral part of this Protocol.

[...]

Article 79: Joint Commission of Programmes

An Ad Hoc Joint Commission of Programmes is hereby set up and shall be responsible for the elaboration of syllabuses relating to all subjects to be taught during the separate and joint training periods. Those syllabuses should be made available before the disengagement of the forces of the two parties.

The said Commission shall start its work before 15th August, 1993 and shall be expected to be through by 31st August, 1993.

The draft syllabuses elaborated by each party shall constitute the basis for the work of the Commission.

The Commission shall work under the Chairmanship of the Neutral Military Observer Group Commander or a person appointed by him. The latter shall come into touch with the two parties so as to set up the calendar of work.

Paragraph 6: Deployment of Troops in the Units

Article 80

The posting of Servicemen in the respective Units shall be carried out upon completion of the training of each batch.

After integration, the Army, composed of elements from the two parties, shall be called the 'NATIONAL ARMY'.

Paragraph 7: The Responsibility of the Broad-Based Transitional Government with regard to the Integration of Forces

Article 81

The Broad-Based Transitional Government shall take all necessary measures to ensure the integration of the armed forces from the two parties.

Upon its establishment, the Broad-Based Transactional Government shall assume its responsibility towards the forces of the two parties in terms of Command, logistics, supply and welfare. To this end, the two parties shall provide numbers and names of the members of their respective forces.

The Neutral International Force or the expanded NMOG shall, as soon as possible, verify those names and numbers.

The two forces, for whom the Broad-Based Transitional Government assumes responsibility, shall fall under its authority. The RPF shall then be considered as a political party or its equivalent.

Page 130; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter II: The National Gendarmerie; Section 2: Size, Structure and Organization; Sub-Section 3: Organization of the National Gendarmerie; Paragraph 2: The National Gendarmerie Headquarters; Article 95: Functions of the Headquarters of the National Gendarmerie.

The Headquarters of the National Gendarmerie shall have the following functions:

[...]

5. Conduct the process of formation of the National Gendarmerie and participate in the demobilization process within the framework of implementing the Peace Agreement, in collaboration with the Neutral International Force and under the supervision of the Command Council of the National Gendarmerie.

Page 116-17; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter I: The National Army; Section 4: Formation of the National Army; Sub-Section 1: Process of the Formation of the National Army; Paragraph 4: Integration Operations; Article 73: Criteria for the Selection of Servicemen in the National Army.

The selection of servicemen to constitute the National Army by each party and those to be demobilized shall be carried out in the Assembly points. Servicemen to constitute the National Army should meet the following criteria:

1. Officers: They should:

- be volunteers;
- be serving as Officers;
- be Rwandese Nationals.
- be physically fit, i.e. they should obtain a certificate of physical fitness from a registered physician.
- The war-wounded and handicapped shall, however, remain eligible for Army service, according to their specializations, unlike the disabled servicemen who shall be demobilized but assisted. This shall apply to all categories of servicemen.
- be at least 21 years of age.

2. Non-Commissioned Officers: They should:

- be volunteers;
- be serving as Non-Commissioned Officers;
- be Rwandese Nationals;
- be physically fit;
- be at least 18 years old.

3. Troops:

They should:

- be volunteers;
- be serving in the Army;
- be Rwandese Nationals;
- be physically fit;
- be at least 18 years old.

For all 3 categories of servicemen, a cross-check shall be made out in case of any doubt concerning personal particulars, as per criteria spelled out above.

Each party shall determine independently the rank and seniority of each member of its force.

Page 158-62; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter III. Demobilization Process; Section 4: Formation of the National Gendarmerie

Article 141: Criteria for the Selection of Members of the National Gendarmerie

The selection of gendarmes to constitute the National Gendarmerie by each party and those to be demobilized shall be carried out in the Assembly points. Gendarmes to constitute the National Gendarmerie should meet the following criteria:

1. Officers: They should:

- be volunteers;
- be serving as Officers;
- be Rwandese Nationals.

- be physically fit, i.e. they should obtain a certificate of physical fitness from a registered physician.
- The war-wounded and handicapped shall, however, remain eligible for the National Gendarmerie service, according to their specializations, unlike the disabled gendarmes who shall be demobilized but assisted. This shall apply to all categories of gendarmes.
- be at least 21 years of age.

2. Non-Commissioned Officers: They should:

- be volunteers;
- be serving as Non-Commissioned Officers;
- be Rwandese Nationals;
- be physically fit;
- be at least 18 years old.

3. Troops: They should:

- be volunteers;
- be serving in the Rwandese Armed Forces or in the Rwandese Patriotic Front Forces;
- be Rwandese Nationals
- be physically fit;
- be at least 18 years old.

For all 3 categories of gendarmes, a cross-check shall be made out in case of any doubt concerning personal particulars, as per criteria spelled out above.

Article 142: Training of the National Gendarmerie.

The joint training shall be organized in three batches of two thousand (2,000) men each. The joint training shall cover a period of ten (10) months, i.e. three months of training per batch, and 2x15 days of preparation in between the batches.

The gendarmes who will not be selected for the first batch shall wait for their turn in the gendarmerie camps, which would have been transformed into Assembly points under the supervision of the Neutral International Force.

The Command Council of the National Gendarmerie and the Neutral International Force shall see to it that among the gendarmes who have not yet received joint instruction, there shall not, at any given moment, be more than one thousand, eight hundred (1300) gendarmes in service throughout the national territory.

These gendarmes on duty shall carry only individual weapons, namely, pistols and rifles. The Broad-Based Transitional Government may, if the need arises, increase this number.

Article 143: Instructors

For all the training phases, recourse shall be made to Rwandese instructors provided by the two parties and foreign instructors. The latter shall be provided by countries to be agreed upon by the two parties as well as the Neutral International Force. The number of instructors shall amount to 10% of the number of gendarmes to be trained in each batch.

The joint training of Rwandese instructors shall be undertaken, as much as possible, before the separate training of gendarmes from both parties.

Article 144: Proportions and Distribution of Posts of Command

During the establishment of the National Gendarmerie, the proportions and distribution of command posts between the two parties shall abide by the following principles:

[...]

Section 1: Principles

Article 147

Elements of the two Forces, namely the Rwandese Armed Forces and the RPF Forces which shall not have been retained among the nineteen thousand (19,000) servicemen and gendarmes shall be demobilized.

Article 148

Each party, i.e. the Coalition Government on the one hand, and the RPF on the other, shall specify those elements among its personnel to be demobilized and make a list of them.

Article 149

Demobilization is a process beginning with the formal publishing of lists of servicemen to be demobilized and ending with the final implementation of the process of integration of the demobilized personnel into civil life, in accordance with the timetable attached to the present Protocol as Annex IV.

The publishing of lists shall only take place after the disengagement and verification by the competent organs have been conducted and upon completion of the joint training phase. Servicemen to be demobilized shall remain under the responsibility of the Broad-Based Transitional Government until they have been posted, taking into account their categories.

Article 150

Upon completion of the separate training, elements to be demobilized may be put together in separate Assembly points within the respective zones. The Command Council of the National Gendarmerie shall decide, depending on the circumstances, on the need to put them together, taking especially into account the social administration requirements for the elements to be demobilized.

Article 151

Demobilization shall be a gradual process which shall adapt itself to the programme of integration of each demobilized serviceman, in line with the timetable for the demobilization attached as Annex IV.

Article 152

Upon the completion of the demobilization process, each serviceman/gendarme shall be given a demobilization certificate. This certificate is a document testifying that the holder is an ex-serviceman and he/she is entitled to certain benefits given to war veterans.

The Certificate shall testify that the military or gendarme services are terminated and that the bearer was properly demobilized. Copies of that certificate shall be kept within the Ministry of Defence, the Ministry of Interior and Communal Development as well as the Secretariat of State for Rehabilitation and Social Integration.

A card for ex-servicemen shall also be issued to the demobilized personnel and shall especially bear the following particulars: family name, first name, rank, domicile, a photo, date of birth, certificate number and date of issuance.

Section 2: Demobilization Modalities

Sub-Section 1: General Conditions

Article 153: Lumpsum Demobilization Allowance

Each serviceman/gendarme to be demobilized shall be paid a lump sum demobilization allowance in constant value of Rwandese Francs, amounting to:

– One hundred thousand (100,000) RWF for Corporals, Privates and Gendarmes.

- Two hundred thousand (200,000) RWF for Non-Commissioned Officers – 2nd Category.
- Three hundred thousand (300,000) RWF for Non-Commissioned Officers – 1st Category.
- Four hundred thousand (400,000) RWF for Junior Officers.
- Five hundred thousand (500,000) RWF for Senior Officers.

The Broad-Based Transitional Government shall specify modalities of the distribution of those allowances.

Article 154: The Invalid and Handicapped

The invalid and handicapped whose incapacity to perform their duties shall be testified by a registered physician, shall be paid a monthly invalidity allowance and the Government shall take charge of the education of all their children in Public or subsidized Private Schools.

Sub-Section 2: Specific Modalities for Demobilization per Categories of the Personnel to be Demobilized

Article 155

The personnel having the means to take care of their own integration into civil life shall be discharged upon completion of usual formalities.

Article 156

The personnel to be directly absorbed into the civil service shall be demobilized as soon as the absorption capacities of that sector will have been communicated.

Article 157

The personnel to undergo a short or long training or follow familiarization programmes shall be demobilized as soon as opportunities for their training shall have been confirmed.

Article 158

The handicapped or invalid shall take advantage of special programmes designed for socio-economic integration. They shall fall under the responsibility of the Secretariat of State for Rehabilitation and Social Integration as soon as possibilities of their integration will have been identified.

Article 159

The personnel whose integration in the civil life shall be contingent upon integration in the Rwandese society, provided for in the Repatriation Programme shall be under the responsibility of the organs responsible for the implementation of the repatriation programme, as soon as such bodies are in a position to implement those programmes.

Article 160

The personnel who do not fall under any of the above categories shall be demobilized as soon as the Secretariat of State for Rehabilitation and Social Integration and the competent organs shall be in a position to make room for job opportunities for them.

Section 3: Follow-up of the Demobilized Personnel

Article 161

The issue pertaining to the reserve of the National Army and to the compulsory national service shall be considered by the Broad-Based Transitional Government for appropriate action. The demobilized personnel may, on their own volition, become members of the Reserve.

Article 162

The Secretariat of State for Rehabilitation and Social Integration shall include a Service responsible for the implementation of the programme of integration of the demobilized personnel in the socio-economic life. It shall also ensure the follow-up of the demobilized personnel after their social integration. The Government shall specify modalities of collaboration between the Secretariat of State for Rehabilitation and Social Integration and other departments concerned with the matters of the demobilized personnel, especially the Ministry of Defence and the Ministry of Labour and Social Affairs.

Article 163

The Army Command High Council and the Command Council of the National Gendarmerie shall decide whether it is appropriate and on the time for the separation of the personnel selected to constitute the National Army and the National Gendarmerie from those to be demobilized, and shall take into account the administrative facilities required by the social services responsible for the discharge and reintegration of the demobilized personnel.

Page 6; Peace Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front (Arusha Agreement)

Article 7

The Transitional Institutions shall be set up within thirty seven (37) days following the signing of the Peace Agreement.

Article 8

The current Government shall remain in Office until the Broad-Based Transitional Government is established. The maintenance of that Government does not mean that it can encroach on the mandate of the Broad-Based Transitional Government being established.

The current Government shall, in no case, take decisions which may be detrimental to the implementation of the Broad-Based Transitional programme.

Article 9

The "Conseil National de développement" (CND) shall remain in Office until the Transitional National Assembly is established. However, as from date of signing the Peace Agreement, it shall not enact laws.

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Transitional
Timeline

Page 11; N'sele Ceasefire Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front; Article II

The cease-fire shall imply:
[...]

4. The release of all prisoners-of-war; the effective release of all persons arrested because and as a result of this war within five days following the entry into force of the Cease-fire Agreement;

Page 13-14; N'sele Ceasefire Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front; Article VI

The political negotiations culminating in the peace agreement shall proceed pursuant to the following calendar:

1. Commencement of the political negotiations: 10th August 1992;
2. Completion of the political negotiations and signing of the peace agreement: not later than 10 October 1992;
3. Completion of the implementation of the mechanisms and conclusions agreed upon pursuant to the peace Agreement: not later than 10 January 1993.

Page 46-47; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-sharing within the Framework of a Broad-Based Transitional Government (Continuation of the Protocol of Agreement signed 30th October 1992); Chapter VII: New Areas of Agreement; Section 1: Provisions relating to the Executive Power; Sub-Section 1: Replacement of the President of the Republic during the Transitional Period

Article 48

In the event of resignation or death, permanent impediment or incapacitation of the President of the Republic:

[...]

3. The replacement of the President of the Republic shall be conducted in the following manner:

a) The party of the former President of the Republic shall present two candidates to the Bureau of the Transitional National Assembly within three (3) weeks of the declaration of the vacancy.

b) Within the fourth week, the election of the President of the Republic shall be conducted in a joint session of the Broad-Based Transitional Government and the Transitional National Assembly. The respective members of the two institutions shall elect the President of the Republic by secret ballot and by an absolute majority. The election shall be supervised by the Speaker of the Transitional National Assembly.

c) If the Party of the former President of the Republic, for one reason or another, is not willing to present a candidate or cannot present any candidate, or if the President of the Republic has resigned from his party in the meantime, each political force represented in the Transitional National Assembly may submit one (1) candidate within six (6) weeks after the declaration of the vacancy. The election shall be conducted during the seventh week, at the latest, following the modalities provided for in point (b) above.

d) If the vacancy is declared three (3) months or less before the expiry of the transitional period, the Speaker of the Transitional National Assembly shall assume the interim Presidency of the Republic until the end of the Transition.
[...]

Article 50

The new President of the Republic shall be sworn in within eight (8) days after his election, by the Presiding Judge of the Supreme Court, before the National Transitional Assembly.

Page 57; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-sharing within the Framework of a Broad-Based Transitional Government (Continuation of the Protocol of Agreement signed 30th October 1992); Chapter VII: New Areas of Agreement; Section 5: Miscellaneous Provisions; Sub-Section 3: Local Elections as a Solution to Social Tensions; Article 87

Local elections shall normally be held within six (6) months before the expiry of the transition. In the meantime, the replacement of local authorities shall be made through nomination. However, the Broad-Based Transitional Government shall decide on the opportune moment for organizing partial local elections if adequate security conditions allow for the holding of such elections and if it has the legal instruments to organize them.

Page 183; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Miscellaneous Issues and Final Provisions; Chapter II: Miscellaneous Provisions; Article 22: Duration of the Transition Period

The duration of the Transition period shall be twenty two (22) months, effective from the date of establishment of the Broad-Based Transitional Government, with the possibility of one (1) extension if warranted by exceptional circumstances impeding the normal implementation of the programme of the Broad-Based Transitional Government.

The length of the extension shall be determined by the Transitional National Assembly on the basis of a 3/5 majority vote. In this regard, the Broad-Based Transitional Government shall consider the need for an extension, three (3) months before the expiry of the Transition period, and shall make appropriate recommendations to the Transitional National Assembly, in consultation with third parties involved in the implementation of the Peace Agreement, namely the United Nations, the OAU and the Facilitator.

Page 17-19; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Rule of Law; Chapter II: Democracy

Article 5

Democracy is founded on the idea that sovereignty belongs to the people. It is expressed, notably, through regular, free, transparent and fair elections. Popular representation must be the authentic expression of the will of citizens.

Article 6

The two parties accept the universality as well as the implications of the following fundamental principles of democracy:

[...]

- government based on the consent of the people expressed through regular, free, transparent and fair elections;

Article 7

The two parties recognize that multipartism entails the legitimate existence of a democratic opposition and consider, as legitimate, the aspiration of any Rwandese citizen to accede to power through democratic process.

Article 10

Elections shall be organised in such a way that transparency is guaranteed and fraud eliminated through the establishment of efficient supervision mechanisms including, if the need arises, enlisting the assistance of International Observers.

The prior and full explanation of the citizens' rights and civic duties including the issues at stake in the elections is their inalienable right as a way of avoiding any form of political manipulation.

Article 11

The two parties accept to promote, in national political life, a democratic culture based on the principles enunciated above.

Page 23; Protocol of Agreement on Power-sharing within the Framework of broad-based Transitional Government between the Government of the Republic of Rwanda and the Rwandese Patriotic Front; Chapter III: The Executive Power; Section 1: The President of the Republic and Head of State; Article 5

Upon the signing of the Peace Agreement, the incumbent President of the Republic and Head of State shall remain in office until the outcome of elections to be held at the end of the Transitional Period.

Page 33; Protocol of Agreement on Power-sharing within the Framework of broad-based Transitional Government between the Government of the Republic of Rwanda and the Rwandese Patriotic Front; Chapter III: The Executive Power; Section 2: The Broad-based

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Electoral & Political
Party Reform

Transitional Government; Sub-section 5: Outline of the Broad-based Transitional Government Programme; Article 23

The Broad-based Transitional Government shall implement the programme comprising the following:

A. Democracy

[...]

2. Prepare and organise general elections to be held at the end of the Transition Period.

Page 36; Protocol of Agreement on Power-sharing within the Framework of broad-based Transitional Government between the Government of the Republic of Rwanda and the Rwandese Patriotic Front; Chapter IV: Specialised Commissions; Article 24

In addition to the Commissions already agreed upon in the previous Agreements, the following broad-based specialised Commissions shall be established:

[...]

C. Electoral Commission

This Commission shall be responsible for the preparation and organisation of local, legislative and presidential elections.

Page 50-51; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-Sharing within the Framework of a Broad-Based Transitional Government; (Continuation of the Protocol of Agreement signed on 30th October, 1992); Chapter VII: New Areas of Agreement

Article 61

All the political parties registered in Rwanda at the signing of this Protocol as well as the RPF shall be represented in the Transitional National Assembly, on condition that they adhere to and abide by the provisions of the Peace Agreement. To that effect, all these parties and the RPF should, prior to the establishment of the Broad-Based Transitional National Assembly and the Broad-Based Transitional Government, sign a Political Code of Ethics whose principles are spelt out in Article 80 of this Protocol. Since the RPF and the political parties Participating in the current Coalition Government are automatically, directly or indirectly bound, as a result of the Protocol of Agreement on the Rule of Law signed by the two parties to the negotiations, the political parties which do not participate in the said Government should, from the time of the signing of the Protocol of Agreement on Power-Sharing, demonstrate their commitment to abide by the principles governing the Protocol of Agreement on the Rule of Law, to support the peace process and to avoid engaging in sectarian practices and in any form of violence. Such commitment shall constitute a prerequisite for their participation in the Transitional National Assembly and it is incumbent upon the two parties to the negotiations to see to it that such commitment is real.

Page 57; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on Power-sharing within the Framework of a Broad-Based Transitional Government (Continuation of the Protocol of Agreement signed 30th October 1992); Chapter VII: New Areas of Agreement; Section 5: Miscellaneous Provisions; Sub-Section 3: Local Elections as a Solution to Social Tensions; Article 87

Local elections shall normally be held within six (6) months before the expiry of the transition. In the meantime, the replacement of local authorities shall be made through nomination. However, the Broad-Based Transitional Government shall decide on the opportune moment for organizing partial local elections if adequate security conditions allow for the holding of such elections and if it has the legal instruments to organize them.

Page 75-76; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter I: The National Army; Section 1: Missions and Principles; Article 1

Subject to modalities and principles mutually agreed upon between the two parties in the present Protocol of Agreement, for the formation of the National Army, the latter shall fulfil the following missions and shall be guided by the principles below:

[...]

B. Principles

3. The National Army shall be non partisan;

6. Members of the National Army shall not be affiliated to political parties or to any other association of a political nature. They shall neither take part in activities or demonstrations of political parties or associations. They shall not portray their political allegiances in public;

7. Members of the National Army shall exercise their right to vote. Given the type of the current organization of the Army, however, its members cannot participate in local elections.

Page 122-23; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter I: The National Army; Section 4: Formation of the National Army; Sub-Section 1: Process of the Formation of the National Army; Paragraph 7: The Responsibility of the Broad-Based Transitional Government with regard to the Integration of Forces; Article 81

The Broad-Based Transitional Government shall take all necessary measures to ensure the integration of the armed forces from the two parties. Upon its establishment, the Broad-Based Transactional Government shall assume its responsibility towards the forces of the two parties in terms of Command, logistics, supply and welfare. To this end, the two parties shall provide numbers and names of the members of their respective forces. The Neutral International Force or the expanded NMOG shall, as soon as possible, verify those names and numbers. The two forces, for whom the Broad-Based Transitional Government assumes responsibility, shall fall under its authority. The RPF shall then be considered as a political party or its equivalent.

Page 125-26; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter II: The National Gendarmerie; Section 1: Definition, Missions and Principles; Article 84: Principles

9. Members of the National Gendarmerie shall not be affiliated to political parties or any other association of a political nature. They shall neither take part in activities or demonstrations of political parties or associations. They shall not portray their political allegiances in public.

10. Members of the National Gendarmerie shall exercise their right to vote. Given the type of the current organization of the National Gendarmerie, however, its members shall not participate in local elections.

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Socio-Economic
Development

Page 18; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Rule of Law; Chapter II: Democracy; Article 9

In order to promote and consolidate the democratic system as described above, the two parties undertake to work for social, economic and cultural development of the country and to fight hunger, ignorance, poverty and disease.

Page 34-35; Protocol of Agreement on Power-sharing within the Framework of broad-based Transitional Government between the Government of the Republic of Rwanda and the Rwandese Patriotic Front; Chapter III: The Executive Power; Section 2: The Broad-based Transitional Government; Sub-section 5: Outline of the Broad-based Transitional Government Programme; Article 23

The Broad-based Transitional Government shall implement the programme comprising the following:

[...]

D. Post-war Rehabilitation Programme

1. Provide humanitarian assistance, especially through the supply of foodstuffs, seeds and some building materials in a bid to contribute to the resettlement of those displaced as a result of the war and social strife encountered since the outbreak of the war, in their original property.

2. Rehabilitate and rebuild the areas devastated by war and social strife encountered since the outbreak of war, especially through mine-clearance and rebuilding of socio-educational and administrative facilities.

3. Set up a programme of assistance to the victims of war (both civilian and military) and of social strife encountered since the outbreak of the war, to the physically handicapped, orphans, widows and widowers.

4. Set up appropriate programmes for the economic and social integration of the demobilised military personnel.

[...]

F. The Economy

1. Stimulate the economy by, as a priority, orienting economic programmes towards the disadvantaged regions and social strata;

2. Review the country's priorities with the aim of promoting food security (application of selected seeds and fertilizers, storage, etc.);

3. Diversify export products;

4. Encourage small and medium scale industries;

5. Draw up and apply strategies for better utilization of the country's resources (natural and human).

Page 59-68; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Repatriation of Rwandese Refugees and the Resettlement of Displaced Persons; Chapter I: Repatriation of Rwandese Refugees; Section 1: Voluntary Return and Repatriation

Sub-Section 1: Basic Principles

Article 3

For purposes of settling returnees, the Rwandese Government shall make lands available, upon their identification by the "Commission for Repatriation" so long as they are not currently occupied by individuals. The Commission shall be at liberty to explore and choose, without any restriction, resettlement sites throughout the national territory. The selection of sites, their occupation and farming shall take due consideration of the protection of endangered animal species, especially the mountain gorilla. Depending on the protection requirements and the planned farming development activities, the transfer of those species into compatible ecosystems is recommended.

Article 6

The repatriation process must mesh with the economic changes underway in the country.

Sub-Section 3: Repatriation Procedures

Article 10

The Commission shall have, as a general mandate, to finalize and to implement a programme for the repatriation and reintegration of returnees.

The concrete missions of the Commission shall be as follows:

1. Conduct a socio-economic survey of refugees;
2. Organize a pre-repatriation census and registration of returnees;
3. Conduct an information and sensitization campaign both to the refugee community and the population within the country;
4. Identify settlement sites, supervise the distribution of plots and establishment of basic infrastructures such as Reception Centres, Health Centres, Educational Centres, etc.;
5. Make travel arrangements for all returnees, where necessary, and arrangements for the transport of their property;
6. Supervise all kinds of assistance for the returnees, such as food aid, farming tools, building materials, domestic items, seeds, etc.

That Commission may set up Committees, where necessary, for the execution of some of its missions.

Sub-section 4: Assistance

Article 12

The repatriation funding programme shall provide for provisional accommodation centres on the settlement sites in rural or in urban areas, in existing or those to be built, on condition that the latter are built for ultimate use.

Returnees at that time shall be fully taken care of, including an initial free medical check-up.

Article 13

Returnees shall provisionally be accommodated in shelters built on plots allocated to them, but they shall rapidly be given a set of building materials to enable them to build their own houses and design them in accordance with model development schemes drawn up by the Commission for Repatriation.

Article 14

Upon their arrival in the country, repatriates shall each be paid a small amount of money to enable them to meet vital needs not catered for by the aid programme.

Article 15

With the assistance of the International Community, the Rwandese Government shall provide assistance to the returnees, in the following areas:

1. food aid;
2. domestic items;
3. farming tools;
4. building materials;
5. health;
6. education.

The same assistance shall equally be provided to those returnees who may go back to their places of origin.

Article 16

Food aid shall be provided for a period of at least 15 months, after which conditions for the continued supply of that aid shall be reviewed.

Article 17

Each family of returnees shall be provided with basic items such as kitchen utensils and bed and beddings.

Article 18

The programme for the settlement of returnees shall also avail a set of farming tools and seeds, preferably selected to meet the soil and climate requirements in the area. In so doing, it shall enable the repatriated farmers to undertake farming activities as soon as possible.

Article 19

The repatriation programme shall also include the supply of medicines and various equipment for the existing or newly established Health Centres.

Vulnerable groups, i.e. women, children, the aged people and the handicapped shall be specifically taken care of.

Article 21

The returnees who shall take up activities other than farming, but are not able to take care of themselves, shall each benefit from some of the assistance programmes mentioned above especially:

1. Accommodation and food aid for a period of 6 months;
2. basic items such as kitchen utensils, bed and beddings.

The Rwandese Government shall establish, through the Ministry of Labour and Social Affairs and the Secretariat of State for Rehabilitation and Social Integration, mechanisms for the orientation and follow-up of job seekers.

Sub-Section 5: Integration Modalities

Article 22

Returnees may benefit from opportunities availed by the Development Projects designed for the enhancement of employment in the public and private sectors, in the same conditions as residents.

Article 23

The Rwandese Government shall undertake negotiations with international funding institutions, within the framework of the Structural Adjustment Programme (SAP), so that the absorption capacities of the Public Sector could be enhanced.

There are certain sectors, however, which already hold out employment opportunities, such as Education, Health and the Judiciary.
[...]

Article 24

Returnees who have contributed to the Social Security in Rwanda may claim their dues, either for themselves or their beneficiaries.

As for those who have been contributing to the Social Security abroad, the Rwandese Government shall negotiate with the countries concerned so as to arrange/for the compensation or transfer of their dues.

Article 27

The access to employment opportunities in the Private Sector and the establishment of new enterprises in the country have been liberalized within the framework of the Structure Adjustment Programme (SAP). They shall be open to returnees without any preconditions, and under the same conditions as residents.

Government role in that field will be to reactivate support to existing firms, promote new investments and simplify formalities required to get started in the Private Sector. The Plan of Action shall also include a Guarantee Security Fund, so as to facilitate access to loans by returnees.

Article 28

The Commission for Repatriation shall develop settlement sites. The sites shall be provided with basic socio-economic infrastructures such as schools, Health Centres, water, access roads, etc.

The Housing scheme in these areas shall be modelled on the "village" grouped type of settlement to encourage the establishment of development centres in the rural area and break with the traditional scattered housing.

Article 29

The programme for the reintegration of returnees shall provide additional school facilities, by expanding existing schools or creating new infrastructures to accommodate the returnee children already at school or of school age.

Article 30

For purposes of ensuring a smooth integration into the educational system in the country, and avoiding that students interrupt their studies and suffer adverse effects, a number of measures shall be taken:

1. During the first year, education should be provided in the language used in the country of asylum.
2. Within the first three months, intensive French courses should be organised for teachers and students, especially for students in the senior level of primary school and for students in secondary schools and institutions of higher learning, from the anglophone countries.
3. Some of the aspects of adaptation may be catered for in the private educational system.
4. The Plan of Action for Rwandese refugees shall take in charge students in their last two years of the primary, secondary schools and institutions of higher learning who may wish to stay behind and complete their studies in the host countries, if the educational systems in which they were studying are not available in Rwanda. Their certificates shall be recognized in accordance with the UNESCO system of equivalence of diplomas, certificates, etc.

However, special attention shall be given to the writing and reading of Kinyarwanda through additional remedial lessons, to enable new pupils and any other who might experience similar difficulties to catch up with those who are more conversant with the language.

Page 70-72; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Repatriation of Rwandese Refugees and the Resettlement of Displaced Persons; Chapter II: Return of Persons Displaced by War and Social Strifes

Section 1: Preparatory Measures

Article 36

The organized return of persons displaced as a result of war and social strife shall be done after the following preparatory measures have been taken:

[...]

5. Planning and provision of humanitarian assistance in essential services.

Section 2: Administration and Security in the War Zone

Article 38

The socio-economic services established before the outbreak of war, especially in the educational, health, justice, youth, trade, agricultural and animal husbandry sectors at the level of administration entities in the war zones shall resume their activities.

Section 3 Humanitarian Assistance

Article 42

Humanitarian Aid shall be distributed by the Secretariat of State for Rehabilitation and Social Integration, assisted by the Humanitarian Agencies.

Article 43

The humanitarian aid shall consist of:

1. Food aid;
2. Domestic items;
3. Farming tools;
4. Building materials;
5. Health care and Medicines;
6. Education (School equipment, uniforms, school fees for a period of two years);
7. Transport to their places of domicile for those who cannot afford it,
8. Labour costs for the construction of houses;
9. Seeds;
10. Establishment of temporary shelters.

Page 75; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter I: The National Army; Section 1: Missions and Principles; Article 1

Subject to modalities and principles mutually agreed upon between the two parties in the present Protocol of Agreement, for the formation of the National Army, the latter shall fulfil the following missions and shall be guided by the principles below:

A. Missions:

[...]

3. Participate in relief operations in the event of natural calamities;
4. Contribute to the development of the country, especially through reconstruction and production activities.

Page 105; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter I: The National Army; Section 4: Formation of the National Army; Sub-Section 1: Process of the Formation of the National Army; Paragraph 2: The Neutral International Force; Article 54: Missions

The Neutral International Force shall have the following missions:

[...]

B. Security Missions

[...]

2. Ensure the security of the distribution of humanitarian aids.

Page 111-12; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter I: The National Army; Section 4: Formation of the National Army; Sub-Section 1: Process of the Formation of the National Army; Paragraph 3: Disengagement of Forces. Definitions; Article 63: Troops' Activities in Assembly Points

Troops may notably undertake the following activities in Assembly Points

[...]

- infrastructure improvement and clearance of mines in their assembly point.

Page 124; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter II: The National Gendarmerie; Section 1: Definition, Missions and Principles; Article 83: Missions

The National Gendarmerie shall fulfil the following missions:

[...]

11. Intervene in the event of disaster or calamity;

13. Ensure the security of airports;

Page 135; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter II: The National Gendarmerie; Section 2: Size, Structure and Organization; Sub-Section 3: Organization of the National Gendarmerie; Paragraph 5: Specialized Units; Article 104

The National Gendarmerie shall be composed of the following Specialised Units:

[...]

6. A Road Safety Unit to perform traffic police duties;

7. A Unit for the Security of Airports, responsible for the security of Airports, Airports installations and the security of passengers;

8. A Fire Brigade to intervene in the event of fire, disaster and calamity;

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Cultural Heritage/
Protections

Page 25; Protocol of Agreement on Power-sharing within the Framework of broad-based Transitional Government between the Government of the Republic of Rwanda and the Rwandese Patriotic Front; Chapter III: The Executive Power; Section 1: The President of The Republic and Head of State; Article 11

In pursuance of the decisions of the Cabinet and in conformity with the procedure defined under Article 9 of the present Protocol, the President of the Republic shall sign Presidential Orders with regard to the following:

[...]

2. the minting of currency;

[...]

5. the appointment and termination of services of the following senior civil servants:

[...]

the Governor of the National Bank of Rwanda;

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Financial
Arrangements

Page 28-29; Protocol of Agreement on Power-sharing within the Framework of broad-based Transitional Government between the Government of the Republic of Rwanda and the Rwandese Patriotic Front; Chapter III: The Executive Power; Section 1: The President of the Republic and the Head of State; Sub-section 2: The Prime Minister; Article 18

The Prime Minister shall:

[...]

6. In pursuance of the decisions of the Cabinet, sign Prime Ministerial Orders for the appointment and termination of services of the following senior civil servants:

[...]

Deputy Governors of the National Bank of Rwanda;

Page 81; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter I. The National Army; Section 2: Size, Structure and Organization; Sub-Section 3: Organization; Paragraph 2: The Army Headquarters; Article 12: Organization and Functions of Army Headquarters Departments.

The Army Headquarters shall be composed of four Departments with the following functions:

[...]
4. Department 4 (G4): Logistics.
- Participation in preparing the budget;

Page 132; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter II: The National Gendarmerie; Section 2: Size, Structure and Organization; Sub-Section 3: Organization of the National Gendarmerie; Paragraph 2: The National Gendarmerie Headquarters; Article 97: Organization and Functions of the Departments of the National Gendarmerie Headquarters

The National Gendarmerie Headquarters shall be composed of (four) 4 Departments with the following functions:

[...]
4. Department 4 (G4): Logistics
- Participation in preparing the budget;

Page 165; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter III: Demobilization Process; Section 2: Demobilization Modalities; Sub-Section 1: General Conditions

Article 153: Lumpsum Demobilization Allowance

Each serviceman/gendarme to be demobilized shall be paid a lumpsum demobilization allowance in constant value of Rwandese Francs, amounting to:

- One hundred thousand (100,000) RWF for Corporals, Privates and Gendarmes.
- Two hundred thousand (200,000) RWF for Non-Commissioned Officers - 2nd Category
- Three hundred thousand (300,000) RWF for Non-Commissioned Officers - 1st Category
- Four hundred thousand (400,000) RWF for Junior Officers
- Five hundred thousand (500,000) RWF for Senior Officers

The Broad-Based Transitional Government shall specify modalities of the distribution of those allowances.

Article 154: The Invalid and Handicapped

The invalid and handicapped whose incapacity to perform their duties shall be testified by a registered physician, shall be paid a monthly invalidity allowance and the Government shall take charge of the education of all their children in Public or subsidized Private Schools.

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Dispute Settlement
Mechanisms

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Verification &
Monitoring
Mechanism

Page 11-13; N'sele Ceasefire Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front

Article I

1. A cease-fire is hereby established throughout the territory of the Republic of Rwanda, between the Government Forces and those of the Rwandese Patriotic Front. The cease-fire shall enter into force at midnight (Rwanda time) on 31st July 1992 at the same time as the deployment of the Neutral Military Observer Group.

[...]

Article II

The cease-fire shall imply:

[...]

6. The withdrawal of all foreign troops after the effective deployment of the Neutral Military Observer Group (NMOG) except for Military Officers serving in Rwanda under bilateral Cooperation Agreements;

[...]

9. The establishment of the Neutral Corridor separating the areas occupied by the two respective forces. This corridor meant to facilitate the monitoring of the cease-fire by the Neutral Military Observer Group shall be determined in consideration of the front-lines of both armies. The demarcation on the field shall be established by the representatives of the two armies in the presence of the Neutral Military Observer Group.

Article III

1. The verification and control of the cease-fire shall be conducted by the neutral military observer group under the supervision of the Secretary-General of OAU.

2. The Neutral Military Observer Group shall be composed of:

- 10 Officers from Nigeria;
- 10 Officers from Senegal;
- 10 Officers from Zimbabwe;
- 10 Officers from an African country to be chosen by the current Chairman of the OAU in collaboration with the President of the United Republic of Tanzania;
- 5 Officers from the Government of Rwanda;
- 5 Officers from the Rwandese Patriotic Front;

3. The Neutral Military Observer Group shall report any violation of the cease-fire to the Secretary-General of OAU and a joint political military commission.

4. The Neutral Military Observer Group shall set up the organs and machinery required for the control and verification of the cease-fire. It shall draft its own rules of procedure. It shall enjoy a status that would enable it to perform its mission as provided in the Cease-fire Agreement; including privileges and immunities enjoyed by the OAU personnel as enshrined in the general agreement.

5. The Neutral Military Observer Group shall have full communication and other equipment it deems necessary to perform its mission. The NMOG officers may have specific uniforms with insignia for easy identification, and light weapons for self-defence.

Article IV

1. A Joint Political Military Commission composed of 5 representatives of the Rwandese Government and 5 of the Rwandese Patriotic Front is established;

2. The OAU and the following countries are invited to participate, as observers, in the Joint Commission: Burundi, United Republic of Tanzania, Uganda, Zaire, Belgium, France and the United States of America;

3. The Joint Commission shall have the following mandate:

- To ensure the follow-up of the implementation of the Cease-fire Agreement;
- To ensure the follow-up of the implementation of the peace Agreement to be signed at the conclusion of the political negotiations;

4. The Joint Commission shall be based at the OAU Headquarters in Addis Ababa, Ethiopia. The Commission's Headquarters may be moved upon agreement by both parties;

5. The Joint Commission shall hold its inaugural meeting not later than 26th July 1992.

Integration of the Armed Forces of the Two Parties; Chapter I: The National Army; Section 4: Formation of the National Army; Sub-Section 1: Process of the Formation of the National Army; Paragraph 2: The Neutral International Force

Article 53: Composition

The Neutral International Force shall be under the responsibility and command of the United Nations and shall be composed of contingents provided by countries selected by the Secretary General of the United Nations. Before deciding on a definite list of those countries, he shall require the approval of the two parties.

The Neutral Military Observer Group (NMOG) may, with certain arrangements between all the parties concerned, be partly or entirely integrated into the Neutral International Force, or perform certain duties specifically entrusted to the Neutral International Force.

Article 54: Missions

The Neutral International Force shall have the following missions:

A. Overall Mission

The Neutral International Neutral Force shall assist in the implementation of the Peace Agreement, more especially through the supervision of the implementation of the Protocol of Agreement on the Integration of Armed Forces of the two parties as well as the provision of all kinds of assistance to the competent authorities and organs.

B. Security Missions

1. Guarantee the overall security of the country and especially verify the maintenance of law and order by the competent authorities and organs.
2. Ensure the security of the distribution of humanitarian aids.
3. Assist in catering for the security of civilians.
4. Assist in the tracking of arms caches and neutralization of armed gangs throughout the country.
5. Undertake mine clearance operations.
6. Assist in the recovery of all weapons distributed to, or illegally acquired by the civilians.
7. Monitor the observance by the two parties of modalities for the definite cessation of hostilities, provided for in the Peace Agreement.

C. Missions of Supervising the Process of Formation of the National Army

1. Undertake the demarcation of Assembly Zones and identify places for the establishment of Assembly and Cantonment points.
2. The Neutral International Force shall be responsible for the preparation of Assembly and Cantonment points. It shall take in and manage all the equipment and financial resources required for the performance of that duty. The Military barracks may serve as Assembly or Cantonment points, on condition that the two parties be informed. These camps shall be subjected to the monitoring of the Neutral International Force and to requirements of other Assembly or Cantonment points.
3. Determine security parameters for the City of Kigali, in line with the objective of making it a neutral zone.
4. Supervise:
 - operations for the disengagement of forces, especially the movement of troops towards Assembly points, and servicemen moving to the Cantonment points for purposes of depositing heavy weapons;

- the transformation of military barracks into Assembly or Cantonment points;
- verifications following these operations.

5. Ensure that rules of discipline by servicemen inside and outside assembly points are observed.

6. Cross-check inventories of armaments and ammunitions of the two parties and monitor operations for the separation of heavy from light weapons.

7. Keep watch on cantonment points and participate in the guard of light weapons and ammunition magazines located in Assembly points.

8. Supervise operations for the identification of the military personnel to be carried out in the various Assembly points.

9. Supervise operations for the supplies to the troops in the Assembly points, it being understood that the supplies shall be confined to non-lethal items.

10. Participate in the programme designed for the training of members of the new Armed Forces and cater for the security of Training Centres.

11. Supervise the operations for the demobilization of servicemen and gendarmes not eligible to constitute the new Armed Forces.

12. Assess the status of implementation of the formation process and make recommendations to the Broad-Based Transitional Government, the Army Command High Council and the Command Council of the National Gendarmerie.

Page 11-12; N'sele Ceasefire Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front

Article I

1. A cease-fire is hereby established throughout the territory of the Republic of Rwanda, between the Government Forces and those of the Rwandese Patriotic Front. The cease-fire shall enter into force at midnight (Rwanda time) on 31st July 1992 at the same time as the deployment of the Neutral Military Observer Group.

[...]

Article II

The cease-fire shall imply:

[...]

6. The withdrawal of all foreign troops after the effective deployment of the Neutral Military Observer Group (NMOG) except for Military Officers serving in Rwanda under bilateral Cooperation Agreements;

[...]

Article III

1. The verification and control of the cease-fire shall be conducted by the neutral military observer group under the supervision of the Secretary-General of OAU.

2. The Neutral Military Observer Group shall be composed of:

- 10 Officers from Nigeria;
- 10 Officers from Senegal;
- 10 Officers from Zimbabwe;
- 10 Officers from an African country to be chosen by the current Chairman of the OAU in collaboration with the President of the United Republic of Tanzania;
- 5 Officers from the Government of Rwanda;
- 5 Officers from the Rwandese Patriotic Front;

3. The Neutral Military Observer Group shall report any violation of the cease-fire to the Secretary-General of OAU and a joint political military commission.

4. The Neutral Military Observer Group shall set up the organs and machinery required for the control and verification of the cease-fire. It shall draft its own

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Peacekeeping

rules of procedure. It shall enjoy a status that would enable it to perform its mission as provided in the Cease-fire Agreement; including privileges and immunities enjoyed by the OAU personnel as enshrined in the general agreement.

5. The Neutral Military Observer Group shall have full communication and other equipment it deems necessary to perform its mission. The NMOG officers may have specific uniforms with insignia for easy identification, and light weapons for self-defence.

Page 70; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Repatriation of Rwandese Refugees and the Resettlement of Displaced Persons; Chapter II: Return of Persons Displaced by War and Social Strifes; Section 1: Preparatory Measures; Article 36

The organized return of persons displaced as a result of war and social strife shall be done after the following preparatory measures have been taken:

1. Deployment of the International Neutral Force.

Page 71; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Repatriation of Rwandese Refugees and the Resettlement of Displaced Persons; Chapter II: Return of Persons Displaced by War and Social Strifes; Section 2: Administration and Security in the War Zone; Article 40

The clearance of mines in the zones shall be conducted by the International Neutral Force, in collaboration with the Army Command High Council.

Page 79-80; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter I: The National Army; Section 2: Size, Structure and Organization; Sub-Section 3: Organization; Paragraph 2: The Army Headquarters; Article 10: Functions of the Army Headquarters.

The Army Headquarters shall have the following functions, exercised in conformity with directives of the Army Command High Council:

[...]

5. Conduct, under the supervision of the Army Command High Council, the process of formation of the National Army, and participate, within the framework of implementation of the Peace Agreement, and in collaboration with the International Neutral Force or the NMOG, in the demobilization process, taking the respective missions and status of those Institutions into consideration.

Page 103; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter I: The National Army; Section 4: Formation of the National Army; Sub-Section 1: Process of the Formation of the National Army; Article 51

The process of formation of the National Army shall be conducted in the following stages:

- Establishment of the Army Command High Council;
- Establishment of the Neutral International Force;
- Disengagement of forces;
- Integration operations;
- Training of servicemen;
- Deployment of troops in the Units.

Page 104-23; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter I: The

National Army; Section 4: Formation of the National Army; Sub-Section 1: Process of the Formation of the National Army

Paragraph 2: The Neutral International Force

Article 53: Composition

The Neutral International Force shall be under the responsibility and command of the United Nations and shall be composed of contingents provided by countries selected by the Secretary General of the United Nations. Before deciding on a definite list of those countries, he shall require the approval of the two parties.

The Neutral Military Observer Group (NMOG) may, with certain arrangements between all the parties concerned, be partly or entirely integrated into the Neutral International Force, or perform certain duties specifically entrusted to the Neutral International Force.

Article 54: Missions

The Neutral International Force shall have the following missions:

A. Overall Mission.

The Neutral International Neutral Force shall assist in the implementation of the Peace Agreement, more especially through the supervision of the implementation of the Protocol of Agreement on the Integration of Armed Forces of the two parties as well as the provision of all kinds of assistance to the competent authorities and organs.

B. Security Missions.

1. Guarantee the overall security of the country and especially verify the maintenance of law and order by the competent authorities and organs.
2. Ensure the security of the distribution of humanitarian aids.
3. Assist in catering for the security of civilians.
4. Assist in the tracking of arms caches and neutralization of armed gangs throughout the country.
5. Undertake mine clearance operations.
6. Assist in the recovery of all weapons distributed to, or illegally acquired by the civilians.
7. Monitor the observance by the two parties of modalities for the definite cessation of hostilities, provided for in the Peace Agreement.

C. Missions of Supervising the Process of Formation of the National Army.

1. Undertake the demarcation of Assembly Zones and identify places for the establishment of Assembly and Cantonment points.
2. The Neutral International Force shall be responsible for the preparation of Assembly and Cantonment points. It shall take in and manage all the equipment and financial resources required for the performance of that duty.

The Military barracks may serve as Assembly or Cantonment points, on condition that the two parties be informed. These camps shall be subjected to the monitoring of the Neutral International Force and to requirements of other Assembly or Cantonment points.

3. Determine security parameters for the City of Kigali, in line with the objective of making it a neutral zone.
4. Supervise:
 - operations for the disengagement of forces, especially the movement of troops towards Assembly points, and servicemen moving to the Cantonment points for purposes of depositing heavy weapons;

- the transformation of military barracks into Assembly or Cantonment points;
- verifications following these operations.

5. Ensure that rules of discipline by servicemen inside and outside assembly points are observed.

6. Cross-check inventories of armaments and ammunitions of the two parties and monitor operations for the separation of heavy from light weapons.

7. Keep watch on cantonment points and participate in the guard of light weapons and ammunition magazines located in Assembly points.

8. Supervise operations for the identification of the military personnel to be carried out in the various Assembly points.

9. Supervise operations for the supplies to the troops in the Assembly points, it being understood that the supplies shall be confined to non lethal items.

10. Participate in the programme designed for the training of members of the new Armed Forces and cater for the security of Training Centres.

11. Supervise the operations for the demobilization of servicemen and gendarmes not eligible to constitute the new Armed Forces.

12. Assess the status of implementation of the formation process and make recommendations to the Broad-Based Transitional Government, the Army Command High Council and the Command Council of the National Gendarmerie.

Paragraph 3: Disengagement of Forces

Article 55: Definitions

An Assembly zone is a portion of the national territory within which the Assembly and Cantonment points of each of the two parties shall be located

Assembly points are centres where specific groups of servicemen of the two Forces shall be confined and their identification conducted. Those centres shall be the starting point of the formation, integration and demobilization process that shall be conducted under the supervision of the Neutral International Force.

Cantonment points are places identified for the storage of heavy weapons outside the Assembly points.

Article 56: Demarcation of Assembly Zones

The demarcation of Assembly zones shall be undertaken by the United Nations Reconnaissance Mission in collaboration with the NMOG, on the basis of the current positions of the two Forces. During this demarcation exercise, care will be taken to ensure that the following conditions are fulfilled:

1. The two assembly zones be separated by a demilitarized zone whose width shall be superior to the range of heavy artillery used in the conflict;
2. Each Assembly zone shall contain all the Assembly and Cantonment points of the party concerned;
3. Within the Assembly zones, the Assembly points shall be located in such a way as to avoid clustering;
4. The Assembly and Cantonment points shall be located in such a way to allow the population to use its habitual property and facilities;
5. The Assembly zones shall be demarcated so as to avoid encirclement of one force by another.

Article 57: Identification of Assembly Points

Assembly points shall be identified by the International Neutral Force, in collaboration with each party within its Assembly zone. These points shall, as

much as possible, be located on Government's Estates or Estates belonging to collectivities, and shall be located far from built-up areas.

In identifying an Assembly point, account shall be taken of viability requirements (availability of water, hospitable climate, etc.) and facilities for an easy organization of supplies, it being clearly understood that supplies refer to non lethal items.

Article 58: Movement of Troops towards Assembly Points

The Neutral International Force, in collaboration with the Army Command High Council, shall specify the date whereby elements of the two sides shall move towards the Assembly points after having deposited heavy weapons in the Cantonment points.

All the elements of the two Forces should join the Assembly points, except the administrative and support staff, whose composition and size shall be determined by the Neutral International Force, in collaboration with the Army Command High Council.

Article 59: Command of the Assembly Point

Each assembly point shall be under a Military Commander appointed by the party concerned.

The Military Commander shall be answerable to the Command to which he is accountable and to the Army Command High Council, with regard to the following:

[...]

The Military Commander shall liaise the Command to which he is accountable and the Neutral International Force. The latter may, however, appoint its own liaison Officer.

Article 60: Security of Assembly Points

The security of Assembly points shall be jointly ensured by contingents amounting to 10% of the total strength of those points and whose minimal size should be one hundred and twenty (120) men, and by members of the Neutral International Force.

The personnel of those contingents shall carry individual weapons only, and shall strictly be deployed within the Assembly points.

Additional security measures to be taken in each Assembly point shall be decided upon by mutual agreement between the Commander of the Assembly point and the Neutral International Force, taking into account the specificities of each Assembly point.

Article 61: Guard of Arms, Ammunition and Military Equipment in the Assembly Points

Once the troops arrive in the Assembly points, each party shall undertake identification of its troops and make an inventory of armaments and ammunitions.

The Army Command High Council and the Neutral International Force shall cross-check the inventory of arms and ammunition as well as the identification of servicemen.

All the troops confined in these points shall be deprived of their light or personal arms to be kept in magazines located in the same Assembly points under the joint guard of the Neutral International Force and the Force concerned. Light weapons required for training exercises in the Assembly point may, however, be put at the disposal of the Commander of the Assembly point, by the Neutral International Force when and as necessary. These exercises shall be carried out in accordance with a programme known to the Army Command High Council and the International Neutral Force. The weapons utilized shall be returned to the depot upon completion of each round of exercise.

The Army Command High Council and the Neutral International Force shall specify the date for the storage of arms and ammunition. The same date shall apply for the storage of arms and ammunition in all Assembly points.

[...]

Article 63: Troops' Activities in Assembly Points

Troops may notably undertake the following activities in Assembly Points

- Physical exercises and cultural and leisure-time activities;
- Activities planned within the framework of the first phase of the military training programme;
- replenishment of food, fuels, lubricants and medical supplies;
- maintenance and repair of equipment;
- infrastructure improvement and clearance of mines in their assembly point.

The Neutral International Force shall monitor the observance of this provision by each party.

Article 64: Incidents or Ceasefire Violations

[...]

The Military Commander shall also be duty bound to report any incident or violation to his immediate superior, the Neutral International Force and the Army Headquarters.

In the event of incident or violation, Units shall refrain from taking any retaliatory action and shall strive to avoid any action that may trigger escalation. The Neutral International Force shall be informed of any incident or violation and shall track down the perpetrators.

Article 65: Movement Outside the Assembly Point

Servicemen in an Assembly point shall be forbidden to move outside that Assembly point without the permission of the Commander of the Assembly point. In any case, they shall be strictly forbidden to move about armed.

The Neutral International Force shall monitor the observance of this provision by each party.

Article 66: Identification of Cantonment Points

There shall be several Cantonment points located in the respective Assembly zones. Their ultimate number and their location shall be decided upon by the Commander of the Neutral International Force, after seeking the approval of the party concerned. Cantonment points shall be distant enough from Assembly points.

Article 67: Definition of Heavy Weapons

[...]

Armoured vehicles such as personnel carriers, tanks etc. helicopters and other military aircrafts belong to the category of heavy weapons.

Upon the request of the Army Command High Council and the Command Council of the National Gendarmerie, the Neutral International Force or the expanded NMOG may authorize the use of those vehicles and aircrafts for specified missions.

Article 68: Guard and Maintenance of Arms within the Cantonment Points

The Cantonment points shall be under the only control of the Neutral Internal Force. Some members of the respective parties shall, however, be authorized by the Neutral International Force to visit the Cantonment points for purposes of servicing heavy weapons.

[...]

Article 72: Security Arrangements for the Establishment of Transitional Institutions in Kigali.

In general, security shall be catered for by the Neutral International Force and, in case of delay in its deployment, by the expanded NMOG of which the United Nations assumes responsibility in accordance with Article 53 of this Protocol.

The establishment of transitional institutions shall take place after the deployment of the Neutral International Force or the expanded NMOG and after the withdrawal of foreign troops. The withdrawal of foreign troops shall be implemented in accordance with modalities defined in the March 7, 1993 Dar es Salaam Communiqué.

In consultation with the Neutral International Force or the Expanded NMOG and the Rwandese Patriotic Front (RPF), the Coalition Government shall make available accommodations for RPF personalities who will be members of the transitional institutions.

In consultation with the Neutral International Force or the expanded NMOG, the Broad-Based Transitional Government shall provide accommodation and offices affording suitable security conditions to the members of the Army Command High Council and the Command Council of the National Gendarmerie. The members of these organs shall also be consulted.

In order to participate in catering for the security of its personalities, the RPF shall bring to Kigali a security unit whose size is equivalent to one (1) Infantry Battalion of six hundred (600) troops.

Paragraph 5: Training of the National Army

Article 78: Instructors

For all the training phases, recourse shall be made to Rwandese instructors provided by the two parties and foreign instructors. The latter shall be provided by countries to be agreed upon by the two parties as well as the Neutral International Force. The number of instructors shall amount to 10% of the number of servicemen to be trained in each batch.

The joint training of Rwandese instructors shall be undertaken, as much as possible, before the separate training of servicemen from both parties.

[...]

Paragraph 7: The Responsibility of the Broad-Based Transitional Government with regard to the Integration of Forces

Article 81

The Broad-Based Transitional Government shall take all necessary measures to ensure the integration of the armed forces from the two parties.

Upon its establishment, the Broad-Based Transitional Government shall assume its responsibility towards the forces of the two parties in terms of Command, logistics, supply and welfare. To this end, the two parties shall provide numbers and names of the members of their respective forces.

The Neutral International Force or the expanded NMOG shall, as soon as possible, verify those names and numbers.

The two forces, for whom the Broad-Based Transitional Government assumes responsibility, shall fall under its authority. The RPF shall then be considered as a political party or its equivalent.

Page 130; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter II: The National Gendarmerie; Section 2: Size, Structure and Organization; Sub-Section 3: Organization of the National Gendarmerie; Paragraph 2: The National Gendarmerie Headquarters; Article 95: Functions of the Headquarters of the National Gendarmerie.

The Headquarters of the National Gendarmerie shall have the following functions:

[...]

5. Conduct the process of formation of the National Gendarmerie and participate in the demobilization process within the framework of implementing the Peace Agreement, in collaboration with the Neutral International Force and under the supervision of the Command Council of the National Gendarmerie.

Page 160; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter II: The National Gendarmerie; Section 4: Formation of the National Gendarmerie

Article 142: Training of the National Gendarmerie

The joint training shall be organized in three batches of two thousand (2,000) men each. The joint training shall cover a period of ten (10) months, i.e. three months of training per batch, and 2x15 days of preparation in between the batches.

The gendarmes who will not be selected for the first batch shall wait for their turn in the gendarmerie camps, which would have been transformed into Assembly points under the supervision of the Neutral International Force.

The Command Council of the National Gendarmerie and the Neutral International Force shall see to it that among the gendarmes who have not yet received joint instruction, there shall not, at any given moment, be more than one thousand, eight hundred (1300) gendarmes in service throughout the national territory.

These gendarmes on duty shall carry only individual weapons, namely, pistols and rifles. The Broad-Based Transitional Government may, if the need arises, increase this number.

Article 143: Instructors

For all the training phases, recourse shall be made to Rwandese instructors provided by the two parties and foreign instructors. The latter shall be provided by countries to be agreed upon by the two parties as well as the Neutral International Force. The number of instructors shall amount to 10% of the number of gendarmes to be trained in each batch.

The joint training of Rwandese instructors shall be undertaken, as much as possible, before the separate training of gendarmes from both parties.

Page 11; N'sele Ceasefire Agreement between the Government of the Rwandese Republic and the Rwandese Patriotic Front; Article II

The cease-fire shall imply:

1. The cessation of all hostilities for the purpose of dialogue and serious negotiations between the two parties under the auspices of the Mediator or a Facilitator;

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International
Assistance &
Advice

Page 61; Protocol of Agreement between the Government of Rwanda and the Rwandese Patriotic Front on the Repatriation of Rwandese Refugees and the Resettlement of Displaced Persons; Chapter I: Repatriation of Rwandese Refugees; Section 1: Voluntary Return and Repatriation

Sub-Section 2: The Beneficiaries of the Programme for the Return and Repatriation

Article 8

The Programme for the Return and the Repatriation shall be designed solely for Rwandese Refugees. Shall qualify as a Rwandese refugee:

1. Anyone in possession of documents issued by the Office of the United Nations High Commissioner for Refugees (UNHCR), testifying that the bearer is a Rwandese refugee;
2. Any Rwandese national who declares himself to be a Rwandese refugee, but who is not registered with the Office of the UNHCR.

Sub-Section 3: Repatriation Procedures

Article 9

Upon the recommendation of the Secretariat of State for Rehabilitation and Social Integration, the Broad-Based Transitional Government shall set up a Commission for Repatriation composed of Government, UNHCR, OAU and Refugee representatives.

Page 63-70; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Repatriation of Rwandese Refugees and the Resettlement of Displaced Persons; Chapter I: Repatriation of Rwandese Refugees; Section 1: Voluntary Return and Repatriation

Sub-section 4: Assistance

Article 15

With the assistance of the International Community, the Rwandese Government shall provide assistance to the returnees, in the following areas:

1. food aid;
2. domestic items;
3. farming tools;
4. building materials;
5. health;
6. education.

The same assistance shall equally be provided to those returnees who may go back to their places of origin.

Sub-Section 5: Integration Modalities

Article 23

The Rwandese Government shall undertake negotiations with international funding institutions, within the framework of the Structural Adjustment Programme (SAP), so that the absorption capacities of the Public Sector could be enhanced.

There are certain sectors, however, which already hold out employment opportunities, such as Education, Health and the Judiciary.

Sub-section 6: Implementation of the Overall Programme of Repatriation

Article 31

In accordance with the mandate entrusted to them by the Dar es Salaam Summit of 19th February, 1991, the UNHCR and the OAU shall organize, within six (6) months after the establishment of the Broad-Based Transitional Government, a Donors's Conference for the financing of projects earmarked in the Plan of Action for the Rwandese refugees.

In addition to other internal sources of funding, the Rwandese Government shall also rely on bilateral cooperation to support the Repatriation Programme.

Sub-section 6: Implementation of the Overall Programme of Repatriation

Article 32

The implementation, at the political and administrative level, of the Repatriation Programme shall be supervised by the Secretariat of State for Rehabilitation and Social Integration.

For the technical implementation of the various components of the Repatriation Programme, the Government of Rwanda and the UNHCR shall preferably resort to those NGOs with an established reliability, taking also their respective specialization into account. As such, one or several NGO's shall undertake site development activities, building activities, and the distribution of food aid.

Sub-Section 7: Timetable for Repatriation

Article 34

With respect to repatriation in groups, the following programme of sequence is envisaged:

1. Within six (6) months after the establishment of the Broad-Based Transitional Government, the UNHCR and the OAU shall organize a Donors' Conference on the financing of the Repatriation Programme.
2. Within six (6) months after the establishment of the Broad-Based Transitional Government, tripartite agreements between Rwanda, the UNHCR and individual countries in the Region, and the UNHCR shall have been concluded on issues pertaining to the repatriation of refugees.
3. Within Six (6) months after its establishment, the Broad-Based Transitional Government shall undertake operations for the preparation of settlement sites.
4. Within nine (9) months following the establishment of that Government, the repatriation of the first batch of returnees may begin.

Page 71; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Repatriation of Rwandese Refugees and the Resettlement of Displaced Persons; Chapter II: Return of Persons Displaced by War and Social Strifes; Section 3: Humanitarian Assistance; Article 42

Humanitarian Aid shall be distributed by the Secretariat of State for Rehabilitation and Social Integration, assisted by the Humanitarian Agencies.

Page 104; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter I: The National Army; Section 4: Formation of the National Army; Sub-Section 1: Process of the Formation of the National Army; Paragraph 2: The Neutral International Force; Article 54: Missions

The Neutral International Force shall have the following missions:

A. Overall Mission.

The Neutral International Neutral Force shall assist in the implementation of the Peace Agreement, more especially through the supervision of the implementation of the Protocol of Agreement on the Integration of Armed Forces of the two parties as well as the provision of all kinds of assistance to the competent authorities and organs.
[...]

Page 121; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter I: The National Army; Section 4: Formation of the National Army; Sub-Section 1: Process of the Formation of the National Army; Paragraph 5: Training of the National Army; Article 78: Instructors

For all the training phases, recourse shall be made to Rwandese instructors provided by the two parties and foreign instructors. The latter shall be provided

by countries to be agreed upon by the two parties as well as the Neutral International Force. The number of instructors shall amount to 10% of the number of servicemen to be trained in each batch.

The joint training of Rwandese instructors shall be undertaken, as much as possible, before the separate training of servicemen from both parties.

Page 160; Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Integration of the Armed Forces of the Two Parties; Chapter II: The National Gendarmerie; Section 4: Formation of the National Gendarmerie

For all the training phases, recourse shall be made to Rwandese instructors provided by the two parties and foreign instructors. The latter shall be provided by countries to be agreed upon by the two parties as well as the Neutral International Force. The number of instructors shall amount to 10% of the number of gendarmes to be trained in each batch.

The joint training of Rwandese instructors shall be undertaken, as much as possible, before the separate training of gendarmes from both parties.

Page 39; CHAPTER 6: THE NATIONAL EXECUTIVE; 84. Executive Deputy Presidents

- (1) Every party holding at least 80 seats in the National Assembly shall be entitled to designate an Executive Deputy President from among the members of the National Assembly.
 - (2) Should no party or only one party hold 80 or more seats in the National Assembly, the party holding the largest number of seats and the party holding the second largest number of seats shall each be entitled to designate one Executive Deputy President from among the members of the National Assembly.
 - (3) On being designated as such, an Executive Deputy President may elect to vacate or not to vacate his or her seat in the National Assembly.
 - (4) Section 81 shall apply mutatis mutandis to an Executive Deputy President.
 - (5) An Executive Deputy President may exercise the powers and shall perform the functions vested in the office of Executive Deputy President by this Constitution or assigned to him or her by the President.
- [...]

Page 43; CHAPTER 6: THE NATIONAL EXECUTIVE; 89. Cabinet procedure

- (1) Meetings of the Cabinet shall be presided over by the President, or, if the President so instructs, by an Executive Deputy President: Provided that the Executive Deputy Presidents shall preside over meetings of the Cabinet in turn unless the exigencies of government and the spirit underlying the concept of a government of national unity otherwise dictate.
- (2) The Cabinet shall function in a manner which gives consideration to the consensus-seeking spirit underlying the concept of a government of national unity as well as the need for effective government.
- (3) Where an Executive Deputy President presides over a meeting of the Cabinet otherwise than in the capacity of Acting President, a decision in the Cabinet on any matter shall be submitted to the President before its implementation and shall upon its ratification by the President be deemed to be a decision taken in consultation with the Cabinet in accordance with section 82 (3).

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Political Power-sharing

Page 67-90; CHAPTER 9: PROVINCIAL GOVERNMENT

124. Establishment of provinces
[...]

125. Provincial Legislature
[...]

126. Legislative competence of provinces
[...]

127. Composition of provincial legislature

128. Duration and dissolution of provincial legislatures
[...]

129. Elections
[...]

130. Sittings of provincial legislature
[...]

131. Speaker and Deputy Speaker of provincial legislature
[...]
132. Qualification for membership of provincial legislatures
[...]
133. Vacation of seats and filling of vacancies
[...]
144. Executive authority of provinces
[...]
145. Provincial Legislative Authority; Election of Premiers
[...]
146. Tenure of and removal from office of Premiers
[...]
147. Responsibilities, powers and functions of Premiers
[...]
148. Acting Premiers
[...]
149. Executive Councils
[...]
150. Executive Council procedure
[...]
151. Temporary assignment of powers and functions to Executive Council members
[...]
156. Levying of taxes by provinces
[...]
157. Raising of loans by provinces
[...]
158. Revenue allocations by national government Financial allocations by the national government
[...]
- 160 Adoption of provincial constitutions
[...]
161. Development of provincial constitutional dispensation
[...]
162. Election of new provincial governments
[...]
163. Establishment of Commission on Provincial Government
[...]
164. Object and functions of Commission
[...]
165. Constitution of Commission
[...]
166. Chairperson and Deputy Chairperson
[...]
167. Vacation of office and filling of vacancies
[...]
168. Meetings of Commission
[...]

		<p>169. Committees [...]</p> <p>Page 92-93; CHAPTER 10: LOCAL GOVERNMENT</p> <p>174. Establishment and status of local government [...]</p> <p>175. Powers and functions of local government [...]</p>
ps_eco	Economic Power-sharing	<p>Page 83, CHAPTER 9: PROVINCIAL GOVERNMENT; 155. Provinces' share of revenue collected nationally [...]</p>
ps_mil	Military Power-sharing	
tj_amn	Amnesty	<p>Page 147; National Unity and Reconciliation</p> <p>[...] In order to advance such reconciliation and reconstruction, amnesty shall be granted in respect of acts, omissions and offenses associated with political objectives and committed in the course of the conflicts of the past. To this end, Parliament under this Constitution shall adopt a law determining a firm cut-off date, which shall be a date after 8 Oct 1990 and before 6 Dec 1993, and providing for the mechanisms, criteria and procedures, including tribunals, if any, through which such amnesty shall be dealt with at any time after the law has been passed.</p>
tj_pri	Prisoner Release	
tj_hum	Human Rights	<p>Page 3; Preamble</p> <p>We, the people of South Africa declare that: Whereas there is a need to create a new order in which all South Africans will be entitled to a common South African citizenship in a sovereign and democratic constitutional state in which there is equality between men and women and people of all races so that all citizens shall be able to enjoy and exercise their fundamental rights and freedoms;</p> <p>Page 7-16; CHAPTER 3: FUNDAMENTAL RIGHTS [...]</p> <p>Page 60; CHAPTER 8: THE PUBLIC PROTECTOR, HUMAN RIGHTS COMMISSION, COMMISSION ON GENDER ISSUES AND RESTITUTION OF LAND RIGHTS; Public Protector; Human Rights Commissions; 116 Powers and functions</p> <p>(1) The Commission shall, in addition to any powers and functions assigned to it by law, be competent and be obliged to:</p> <p>(a) promote the observance of, respect for and the protection of fundamental rights;</p>

(b) develop an awareness of fundamental rights among all people of the Republic;

(c) make recommendations to organs of state at all levels of government where it considers such action advisable for the adoption of progressive measures for the promotion of fundamental rights within the framework of the law and this Constitution, as well as appropriate measures for the further observance of such rights;

(d) undertake such studies for report on or relating to fundamental rights as it considers advisable in the performance of its functions; and

(e) request any organ of state to supply it with information on any legislative or executive measures adopted by it relating to fundamental rights.

(2) If the Commission is of the opinion that any proposed legislation might be contrary to Chapter 3 or to norms of international human rights law which form part of South African law or to other relevant norms of international law, it shall immediately report that fact to the relevant legislature.

(3) The Commission shall be competent to investigate on its own initiative or on receipt of a complaint, any alleged violation of fundamental rights, and if, after due investigation, the Commission is of the opinion that there is substance in any complaint made to it, it shall, in so far as it is able to do so, assist the complainant and other persons adversely affected thereby, to secure redress, and where it is necessary for that purpose to do so, it may arrange for or provide financial assistance to enable proceedings to be taken to a competent court for the necessary relief or may direct a complainant to an appropriate forum.

**Page 124; CHAPTER 15: GENERAL AND TRANSITIONAL PROVISIONS;
231. Continuation of international agreements and status of international law**

(1) All rights and obligations under international agreements which immediately before the commencement of this Constitution were vested in or binding on the Republic within the meaning of the previous Constitution, shall be vested in or binding on the Republic under this Constitution, unless provided otherwise by an Act of Parliament.

(2) Parliament shall, subject to this Constitution, be competent to agree to the ratification of or accession to an international agreement negotiated and signed in terms of Section 82 (1)(i).

(3) Where Parliament agrees to the ratification of or accession to an international agreement under Subsection (2), such international agreement shall be binding on the Republic and shall form part of the law of the Republic, provided Parliament expressly so provides and such agreement is not inconsistent with this Constitution.

(4) The rules of customary international law binding on the Republic, shall, unless inconsistent with this Constitution or an Act of Parliament, form part of the law of the Republic.

Page 97-99; CHAPTER 11: TRADITIONAL AUTHORITIES

181 Recognition of traditional authorities and indigenous law

(1) A traditional authority which observes a system of indigenous law and is recognised by law immediately before the commencement of this Constitution, shall continue as such an authority and continue to exercise and perform the powers and functions vested in it in accordance with the applicable laws and customs, subject to any amendment or repeal of such laws and customs by a competent authority.

(2) Indigenous law shall be subject to regulation by law.

182 Traditional authorities and local government

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Indigenous &
Minority Rights

The traditional leader of a community observing a system of indigenous law and residing on land within the area of jurisdiction of an elected local government referred to in Chapter 10, shall ex officio be entitled to be a member of that local government, and shall be eligible to be elected to any office of such local government.

183 Provincial House of Traditional Leaders

(2) (a) A House referred to in subsection (1) (a), shall be entitled to advise and make proposals to the provincial legislature or government in respect of matters relating to traditional authorities, indigenous law or the traditions and customs of traditional communities within the province.

(b) Any provincial Bill pertaining to traditional authorities, indigenous law or such traditions and customs, or any other matters having a bearing thereon, shall be referred by the Speaker of the provincial legislature to the House for its comments before the Bill is passed by such legislature.

184 Council of Traditional Leaders

(4) The Council shall, in addition to any other powers and functions assigned to it by any other law, be competent-

(a) to advise and make recommendations to the national government with regard to any matter pertaining to traditional authorities, indigenous law or the traditions and customs of traditional communities anywhere in the Republic, or any other matters having a bearing thereon; and

(b) at the request of the President, to advise him or her on any matter of national interest.

(5) (a) Any parliamentary Bill pertaining to traditional authorities, indigenous law or the traditions and customs of traditional communities or any other matters having a bearing thereon, shall, after having been passed by the House in which it was introduced but before it is passed by the other House, be referred by the Secretary to Parliament to the Council for its comments.

Page 177; Schedule 4: CONSTITUTIONAL PRINCIPLES; XIII

The institution, status and role of traditional leadership, according to indigenous law, shall be recognised and protected in the Constitution. Indigenous law, like common law, shall be recognised and applied by the courts, subject to the fundamental rights contained in the Constitution and to legislation dealing specifically therewith.

Page 3; PREAMBLE

We, the people of South Africa declare that:

Whereas there is a need to create a new order in which all South Africans will be entitled to a common South African citizenship in a sovereign and democratic constitutional state in which there is equality between men and women and people of all races so that all citizens shall be able to enjoy and exercise their fundamental rights and freedoms;

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Women's Rights &
Gender Issues

Page 8; CHAPTER 3: FUNDAMENTAL RIGHTS; 8 Equality

(2) No person shall be unfairly discriminated against, directly or indirectly, and, without derogating from the generality of this provision, on one or more of the following grounds in particular: race, gender, sex, ethnic or social origin, color, sexual orientation, age, disability, religion, conscience, belief, culture or language.

Page 62; CHAPTER 8: THE PUBLIC PROTECTOR, HUMAN RIGHTS COMMISSION, COMMISSION ON GENDER ISSUES AND RESTITUTION OF LAND RIGHTS; Commission on Gender Equality

119 Establishment

(1) There shall be a Commission on Gender Equality, which shall consist of a chairperson and such number of members as may be determined by an Act of Parliament.

(2) The Commission shall consist of persons who are fit and proper for appointment, South African citizens and broadly representative of the South African community.

(3) The object of the Commission shall be to promote gender equality and to advise and to make recommendations to Parliament or any other legislature with regard to any laws or proposed legislation which affects gender equality and the status of women.

120 Composition and functioning

The Act of Parliament referred to in Section 119 shall provide for the composition, powers, functions and functioning of the Commission on Gender Issues and for all other matters in connection therewith.

Page 6; CHAPTER 2: CITIZENSHIP AND FRANCHISE; 5 Citizenship

(1) There shall be a South African citizenship.

(2) South African citizenship and the acquisition, loss and restoration of South African citizenship shall, subject to Section 20 read with Section 33 (1), be regulated by an Act of Parliament.

(3) Every person who is a South African citizen shall, subject to this Constitution, be entitled to enjoy all rights, privileges and benefits of South African citizenship, and shall be subject to all duties, obligations and responsibilities of South African citizenship as are accorded or imposed upon him or her in terms of this Constitution or an Act of Parliament.

Page 6; CHAPTER 2: CITIZENSHIP AND FRANCHISE; 6 The franchise

Every person who is:

- (a)(i) a South African citizen; or
 - (ii) not such a citizen but who in terms of an Act of Parliament has been accorded the right to exercise the franchise;
 - (b) of or over the age of 18 years; and
 - (c) not subject to any disqualifications as may be prescribed by law,
- shall be entitled to vote in elections of the National Assembly, a provincial legislature or a local government and in referenda or plebiscites contemplated in this Constitution, in accordance with and subject to the laws regulating such elections, referenda and plebiscites.

Page 8; CHAPTER 3: FUNDAMENTAL RIGHTS; 9 Life

Every person shall have the right to life.

Page 8; CHAPTER 3: FUNDAMENTAL RIGHTS; 10 Human dignity

Every person shall have the right to respect for and protection of his or her dignity.

Page 9; CHAPTER 3: FUNDAMENTAL RIGHTS; 11 Freedom and security of the person

(1) Every person shall have the right to freedom and security of the person, which shall include the right not to be detained without trial.

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Civil & Political
Rights

(2) No person shall be subject to torture of any kind, whether physical, mental or emotional, nor shall any person be subject to cruel, inhuman or degrading treatment or punishment.

Page 9; CHAPTER 3: FUNDAMENTAL RIGHTS; 13 Privacy

Every person shall have the right to his or her personal privacy, which shall include the right not to be subject to searches of his or her person, home or property, the seizure of private possessions or the violation of private communications.

Page 9; CHAPTER 3: FUNDAMENTAL RIGHTS; 14 Religion, belief, and opinion

(1) Every person shall have the right to freedom of conscience, religion, thought, belief, and opinion, which shall include academic freedom in institutions of higher learning.

(2) Without derogating from the generality of Subsection (1), religious observances may be conducted at state or state-aided institutions under rules established by an appropriate authority for that purpose, provided that such religious observances are conducted on an equitable basis and attendance at them is free and voluntary.

(3) Nothing in this Chapter shall preclude legislation recognizing:

(a) a system of personal and family law adhered to by persons professing a particular religion; and

(b) the validity of marriages concluded under a system of religious law subject to specified procedures.

Page 9; CHAPTER 3: FUNDAMENTAL RIGHTS; 15 Freedom of expression

(1) Every person shall have the right to freedom of speech and expression, which shall include freedom of the press and other media, and the freedom of artistic creativity and scientific research.

Page 9; CHAPTER 3: FUNDAMENTAL RIGHTS; 16 Assembly, demonstration and petition

Every person shall have the right to assemble and demonstrate with others peacefully and unarmed, and to present petitions.

Page 9; CHAPTER 3: FUNDAMENTAL RIGHTS; 17 Freedom of association

Every person shall have the right to freedom of association.

Page 9; CHAPTER 3: FUNDAMENTAL RIGHTS; 18 Freedom of movement

Every person shall have the right to freedom of movement anywhere within the national territory.

Page 9; CHAPTER 3: FUNDAMENTAL RIGHTS; 20 Citizens' rights

Every citizen shall have the right to enter, remain in and leave the Republic, and no citizen shall without justification be deprived of his or her citizenship.

Page 10; CHAPTER 3: FUNDAMENTAL RIGHTS; 21 Political rights

(1) Every citizen shall have the right:

(a) to form, to participate in the activities of and to recruit members for a political party;

- (b) to campaign for a political party or cause; and
- (c) freely to make political choices.

(2) Every citizen shall have the right to vote, to do so in secret and to stand for election to public office.

Page 10; CHAPTER 3: FUNDAMENTAL RIGHTS; 22 Access to court

Every person shall have the right to have justiciable disputes settled by a court of law or, where appropriate, another independent and impartial forum.

Page 10; CHAPTER 3: FUNDAMENTAL RIGHTS; 23 Access to information

Every person shall have the right of access to all information held by the state or any of its organs at any level of government in so far as such information is required for the exercise or protection of any of his or her rights.

Page 11; CHAPTER 3: FUNDAMENTAL RIGHTS; 24 Administrative justice

Every person shall have the right to:

- (a) lawful administrative action where any of his or her rights or interests is affected or threatened;
- (b) procedurally fair administrative action where any of his or her rights or legitimate expectations is affected or threatened;
- (c) be furnished with reasons in writing for administrative action which affects any of his or her rights or interests unless the reasons for such action have been made public; and
- (d) administrative action which is justifiable in relation to the reasons given for it where any of his or her rights is affected or threatened.

Page 11-12; CHAPTER 3: FUNDAMENTAL RIGHTS; 25 Detained, arrested and accused persons

(1) Every person who is detained, including every sentenced prisoner, shall have the right:

- (a) to be informed promptly in a language which he or she understands of the reason for his or her detention;
- (b) to be detained under conditions consonant with human dignity, which shall include at least the provision of adequate nutrition, reading material and medical treatment at state expense;
- (c) to consult with a legal practitioner of his or her choice, to be informed of this right promptly and, where substantial injustice would otherwise result, to be provided with the services of a legal practitioner by the state;
- (d) to be given the opportunity to communicate with, and to be visited by, his or her spouse or partner, next-of-kin, religious counsellor and a medical practitioner of his or her choice; and
- (e) to challenge the lawfulness of his or her detention in person before a court of law and to be released if such detention is unlawful.

(2) Every person arrested for the alleged commission of an offence shall, in addition to the rights which he or she has as a detained person, have the right:

- (a) promptly to be informed, in a language which he or she understands, that he or she has the right to remain silent and to be warned of the consequences of making any statement;
- (b) as soon as it is reasonably possible, but not later than 48 hours after the arrest or, if the said period of 48 hours expires outside ordinary court hours or on a day which is not a court day, the first court day after such expiry, to be brought before an ordinary court of law and to be charged or to be informed of the reason for his or her further detention, failing which he or she shall be entitled to be released;
- (c) not to be compelled to make a confession or admission which could be used in evidence against him or her; and
- (d) to be released from detention with or without bail, unless the interests of justice require otherwise.

(3) Every accused person shall have the right to a fair trial, which shall include the right:

(a) to a public trial before an ordinary court of law within a reasonable time after having been charged;

(b) to be informed with sufficient particularity of the charge;

(c) to be presumed innocent and to remain silent during plea proceedings or trial and not to testify during trial;

(d) to adduce and challenge evidence, and not to be a compellable witness against himself or herself;

(e) to be represented by a legal practitioner of his or her choice or, where substantial injustice would otherwise result, to be provided with legal representation at state expense, and to be informed of these rights;

(f) not to be convicted of an offence in respect of any act or omission which was not an offence at the time it was committed, and not to be sentenced to a more severe punishment than that which was applicable when the offence was committed;

(g) not to be tried again for any offence of which he or she has previously been convicted or acquitted;

(h) to have recourse by way of appeal or review to a higher court than the court of first instance;

(i) to be tried in a language which he or she understands or, failing this, to have the proceedings interpreted to him or her; and

(j) to be sentenced within a reasonable time after conviction.

Page 4; CHAPTER 1: CONSTITUENT AND FORMAL PROVISIONS; 3 Languages

(2) Rights relating to language and the status of languages existing at the commencement of this Constitution shall not be diminished, and provision shall be made by an Act of Parliament for rights relating to language and the status of languages existing only at regional level, to be extended nationally in accordance with the principles set out in subsection (9).

(3) Wherever practicable, a person shall have the right to use and to be addressed in his or her dealings with any public administration at the national level of government in any official South African language of his or her choice. [...]

Page 9; CHAPTER 3: FUNDAMENTAL RIGHTS; 19 Residence

Every person shall have the right freely to choose his or her place of residence anywhere in the national territory.

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Economic, Social &
Cultural Rights

Page 12; CHAPTER 3: FUNDAMENTAL RIGHTS; 26 Economic activity

(1) Every person shall have the right freely to engage in economic activity and to pursue a livelihood anywhere in the national territory.

(2) Subsection (1) shall not preclude measures designed to promote the protection or the improvement of the quality of life, economic growth, human development, social justice, basic conditions of employment, fair labor practices or equal opportunity for all, provided such measures are justifiable in an open and democratic society based on freedom and equality.

Page 12; CHAPTER 3: FUNDAMENTAL RIGHTS; 27 Labor relations

(1) Every person shall have the right to fair labor practices.

(2) Workers shall have the right to form and join trade unions, and employers shall have the right to form and join employers' organizations.

(3) Workers and employers shall have the right to organize and bargain collectively.

(4) Workers shall have the right to strike for the purpose of collective bargaining.

(5) Employers' recourse to the lock-out for the purpose of collective bargaining shall not be impaired, subject to Section 33 (1).

Page 12; CHAPTER 3: FUNDAMENTAL RIGHTS; 28 Property

(1) Every person shall have the right to acquire and hold rights in property and, to the extent that the nature of the rights permits, to dispose of such rights.

(2) No deprivation of any rights in property shall be permitted otherwise than in accordance with a law.

(3) Where any rights in property are expropriated pursuant to a law referred to in Subsection (2), such expropriation shall be permissible for public purposes only and shall be subject to the payment of agreed compensation or, failing agreement, to the payment of such compensation and within such period as may be determined by a court of law as just and equitable, taking into account all relevant factors, including, in the case of the determination of compensation, the use to which the property is being put, the history of its acquisition, its market value, the value of the investments in it by those affected and the interests of those affected.

Page 12; CHAPTER 3: FUNDAMENTAL RIGHTS; 29 Environment

Every person shall have the right to an environment which is not detrimental to his or her health or well-being.

Page 13; CHAPTER 3: FUNDAMENTAL RIGHTS; 32 Education

Every person shall have the right:

(a) to basic education and to equal access to educational institutions;

(b) to instruction in the language of his or her choice where this is reasonably practicable; and

(c) to establish, where practicable, educational institutions based on a common culture, language or religion, provided that there shall be no discrimination on the ground of race.

Page 8; Chapter 3: Fundamental Rights; Section 8: Equality

(3) [...] (b) Every person or community dispossessed of rights in land before the commencement of this Constitution under any law which would have been inconsistent with Subsection (2) had that subsection been in operation at the time of the dispossession, shall be entitled to claim restitution of such rights subject to and in accordance with Sections 121, 122 and 123.

Page 63; Chapter 8: Public Protector, Human Rights Commissions; Section 121: Claims

(1) An Act of Parliament shall provide for matters relating to the restitution of land rights, as envisaged in this section and in Sections 122 and 123.

(2) A person or a community shall be entitled to claim restitution of a right in land from the state if:

(a) such person or community was dispossessed of such right at any time after a date to be fixed by the Act referred to in Subsection (1); and

(b) such dispossession was effected under or for the purpose of furthering the object of a law which would have been inconsistent with the prohibition of racial discrimination contained in Section 8 (2), had that section been in operation at the time of such dispossession.

(3) The date fixed by virtue of Subsection (2)(a) shall not be a date earlier than 19 June 1913.

(4)(a) The provisions of this section shall not apply to any rights in land expropriated under the Expropriation Act, 1975 (Act 63 of 1975), or any other law incorporating by reference that Act, or the provisions of that Act with regard

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Victims &
Reparations

	<p>to compensation, if just and equitable compensation as contemplated in Section 123 (4) was paid in respect of such expropriation.</p> <p>(b) In this section 'Expropriation Act, 1975' shall include any expropriation law repealed by that Act.</p> <p>(5) No claim under this section shall be lodged before the passing of the Act contemplated in Subsection (1).</p> <p>(6) Any claims under Subsection (2) shall be subject to such conditions, limitations and exclusions as may be prescribed by such Act, and shall not be justiciable by a court of law unless the claim has been dealt with in terms of Section 122 by the Commission established by that section.</p> <p>Page 63; Chapter 8: Public Protector, Human Rights Commissions; Section 122: Commission</p> <p>(1) The Act contemplated in Section 121 (1) shall establish a Commission on Restitution of Land Rights, which shall be competent to: [...]</p> <p>Page 64; Chapter 8: Public Protector, Human Rights Commissions; Section 123: Court orders [...]</p>
<p>tj_ref</p> <p>Refugees & Internally Displaced Persons</p>	
<p>tj_tru</p> <p>Truth & Reconciliation Commission</p>	<p>Page 125; CHAPTER 15: GENERAL AND TRANSITIONAL PROVISIONS; 232 Interpretation</p> <p>(4) In interpreting this Constitution a provision in any Schedule, including the provision under the heading 'National Unity and Reconciliation', to this Constitution shall not by reason only of the fact that it is contained in a Schedule, have a lesser status than any other provision of this Constitution which is not contained in a Schedule, and such provision shall for all purposes be deemed to form part of the substance of this Constitution.</p> <p>Page 147; National Unity and Reconciliation</p> <p>This Constitution provides a historic bridge between the past of a deeply divided society characterized by strife, conflict, untold suffering and injustice, and a future founded on the recognition of human rights, democracy and peaceful co-existence and development opportunities for all South Africans, irrespective of color, race, class, belief or sex. The pursuit of national unity, the well-being of all South African citizens and peace require reconciliation between the people of South Africa and the reconstruction of society.</p> <p>The adoption of this Constitution lays the secure foundation for the people of South Africa to transcend the divisions and strife of the past, which generated gross violations of human rights, the transgression of humanitarian principles in violent conflicts and a legacy of hatred, fear, guilt and revenge.</p> <p>These can now be addressed on the basis that there is a need for understanding but not for vengeance, a need for reparation but not for retaliation, a need for ubuntu but not for victimization.</p> <p>In order to advance such reconciliation and reconstruction, amnesty shall be granted in respect of acts, omissions and offenses associated with political objectives and committed in the course of the conflicts of the past. To this end, Parliament under this Constitution shall adopt a law determining a firm cut-off date, which shall be a date after 8 Oct 1990 and before 6 Dec 1993, and providing for the mechanisms, criteria and procedures, including tribunals, if</p>

any, through which such amnesty shall be dealt with at any time after the law has been passed.

Page 147; National Unity and Reconciliation

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tj_rec Reconciliation

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With this Constitution and these commitments we, the people of South Africa, open a new chapter in the history of our country.

[...]

Page 3; Preamble

We, the people of South Africa declare that:
Whereas there is a need to create a new order in which all South Africans will be entitled to a common South African citizenship in a sovereign and democratic constitutional state in which there is equality between men and women and people of all races so that all citizens shall be able to enjoy and exercise their fundamental rights and freedoms;

tj_pro Protection Measures

Page 8; CHAPTER 3: FUNDAMENTAL RIGHTS; 8 Equality

(1) Every person shall have the right to equality before the law and to equal protection of the law.

(2) No person shall be unfairly discriminated against, directly or indirectly, and, without derogating from the generality of this provision, on one or more of the following grounds in particular: race, gender, sex, ethnic or social origin, color, sexual orientation, age, disability, religion, conscience, belief, culture or language.

(3)(a) This section shall not preclude measures designed to achieve the adequate protection and advancement of persons or groups or categories of persons disadvantaged by unfair discrimination, in order to enable their full and equal enjoyment of all rights and freedoms.

Page 8; CHAPTER 3: FUNDAMENTAL RIGHTS; 10 Human dignity

Every person shall have the right to respect for and protection of his or her dignity.

Page 9; CHAPTER 3: FUNDAMENTAL RIGHTS; 14 Religion, belief, and opinion

(2) Without derogating from the generality of Subsection (1), religious observances may be conducted at state or state-aided institutions under rules established by an appropriate authority for that purpose, provided that such religious observances are conducted on an equitable basis and attendance at them is free and voluntary.

(3) Nothing in this Chapter shall preclude legislation recognizing:

- (a) a system of personal and family law adhered to by persons professing a particular religion; and
- (b) the validity of marriages concluded under a system of religious law subject to specified procedures.

Page 10; CHAPTER 3: FUNDAMENTAL RIGHTS; 23 Access to information

Every person shall have the right of access to all information held by the state or any of its organs at any level of government in so far as such information is required for the exercise or protection of any of his or her rights.

Page 13; CHAPTER 3: FUNDAMENTAL RIGHTS, 30 Children

(1) Every child shall have the right:

- (a) to a name and nationality as from birth;
- (b) to parental care;
- (c) to security, basic nutrition and basic health and social services;
- (d) not to be subject to neglect or abuse; and
- (e) not to be subject to exploitative labor practices nor to be required or permitted to perform work which is hazardous or harmful to his or her education, health or well being.

(2) Every child who is in detention shall, in addition to the rights which he or she has in terms of Section 25, have the right to be detained under conditions and to be treated in a manner that takes account of his or her age.

(3) For the purpose of this section a child shall mean a person under the age of 18 years and in all matters concerning such child his or her best interest shall be paramount.

Page 55-59; CHAPTER 8: THE PUBLIC PROTECTOR, HUMAN RIGHTS COMMISSION, COMMISSION ON GENDER ISSUES AND RESTITUTION OF LAND RIGHTS; The Public Protector; 110 Establishment and appointment

(1) There shall be a Public Protector for the Republic

(2) The President shall, whenever it becomes necessary, appoint as the Public Protector a person:

(3) The first appointment of a person as the Public Protector after the commencement of this Constitution shall be made within 60 days of the first sitting of the Senate under this Constitution.

(4) The Public Protector shall be a South African citizen who is a fit and proper person to hold such office, and who:

- (a) is a Judge of the Supreme Court of South Africa; or
- (b) is qualified to be admitted as an advocate and has, for a cumulative period of at least 10 years after having so qualified:
 - (i) practiced as an advocate or an attorney; or
 - (ii) lectured in law at a university; or
- (c) has specialized knowledge of or experience for a period of at least 10 years in the administration of justice, public administration or public finance.

(5) Unless the new constitutional text provides otherwise, the Public Protector shall hold office for a period of seven years.

(6) The remuneration and other terms and conditions of employment of the Public Protector shall be as prescribed by or under an Act of Parliament, and such remuneration shall not be reduced, nor shall such terms and conditions be adversely altered, during his or her term of office.

(7) The Public Protector shall not perform remunerative work outside his or her official duties.

(8) The Public Protector may be removed from office by the President, but only on the grounds of misbehavior, incapacity or incompetence, determined by a joint committee of the Houses of Parliament, composed as provided in Subsection (2)(a), and upon receipt of an address from both the National Assembly and the Senate requesting such removal.

(9) A Public Protector who is the subject of an investigation by a joint committee in terms of Subsection (8), may be suspended by the President pending a decision in such investigation.

111 Independence and impartiality

[...]

112 Powers and functions

[...]

113 Staff and expenditure

[...]

114 Provincial public protectors

[...]

Page 60; CHAPTER 8: THE PUBLIC PROTECTOR, HUMAN RIGHTS COMMISSION, COMMISSION ON GENDER ISSUES AND RESTITUTION OF LAND RIGHTS; Human Rights Commission; 116 Powers and functions

(1) The Commission shall, in addition to any powers and functions assigned to it by law, be competent and be obliged to:

- (a) promote the observance of, respect for and the protection of fundamental rights;
- (b) develop an awareness of fundamental rights among all people of the Republic;

Page 3; Preamble

We, the people of South Africa declare that:

[...] and whereas in order to secure the achievement of this goal, elected representatives of all the people of South Africa should be mandated to adopt a new Constitution in accordance with a solemn pact recorded as Constitutional Principles;

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Constitutional
Reform

[...] and whereas it is necessary for such purposes that provision should be made for the promotion of national unity and the restructuring and continued governance of South Africa while an elected Constitutional Assembly draws up a final Constitution;

Page 29; CHAPTER 4: PARLIAMENT; 62 Bills amending Constitution

[...]

Page 30-34; CHAPTER 5: THE ADOPTION OF THE NEW CONSTITUTION

68 Constitution-making Body

(1) The National Assembly and the Senate, sitting jointly for the purposes of this Chapter, shall be the Constitutional Assembly.

(2) The Constitutional Assembly shall draft and adopt a new constitutional text in accordance with this Chapter.

[...]

69 Chairperson and Deputy Chairperson

[...]

70 Rules and orders

[...]

71 Constitutional Principles and certification

[...]

72 Appointment of commissions, committees and bodies

[...]

73 Adoption of new constitutional text

[...]

74 Amendments relating to this Chapter and Schedule 4

[...]

Page 87; CHAPTER 9: PROVINCIAL GOVERNMENT; 161 Development of provincial constitutional dispensation

(2) Advice to the Constitutional Assembly in terms of Subsection (1)(a), shall include recommendations in the form of draft constitutional provisions regarding:

(b) the constitutional dispensations of such provinces, including the constitutional structures within such provinces as well as the method of their election and their authority, functions and procedures;

(c) measures, including transitional measures, that provide for the phasing in of new provincial constitutional dispensations;

Page 123; CHAPTER 15: GENERAL AND TRANSITIONAL PROVISIONS; 229 Continuation of existing laws

Subject to this Constitution, all laws which immediately before the commencement of this Constitution were in force in any area which forms part of the national territory, shall continue in force in such area, subject to any repeal or amendment of such laws by a competent authority.

Page 125; CHAPTER 15: GENERAL AND TRANSITIONAL PROVISIONS; 232 Interpretation

(2)(a) Any reference in this Constitution to any particular law shall be construed as a reference to that law as it exists from time to time after any amendment or replacement thereof by a competent authority.

(b) An amendment, replacement or repeal of a law referred to in Paragraph (a), shall for the purposes of Section 62 not be considered to be an amendment of this Constitution, and any such amendment, replacement or repeal of a law shall for its validity be dependent on its consistency with this Constitution in terms of Section 4 (1).

(3) No law shall be constitutionally invalid solely by reason of the fact that the wording used is prima facie capable of an interpretation which is inconsistent with a provision of this Constitution, provided such a law is reasonably capable of a more restricted interpretation which is not inconsistent with any such provision, in which event such law shall be construed as having a meaning in accordance with the said more restricted interpretation.

(4) In interpreting this Constitution a provision in any Schedule, including the provision under the heading `National Unity and Reconciliation', to this Constitution shall not by reason only of the fact that it is contained in a Schedule, have a lesser status than any other provision of this Constitution which is not contained in a Schedule, and such provision shall for all purposes be deemed to form part of the substance of this Constitution.

Page 18-29; CHAPTER 4: PARLIAMENT

36 Constitution of Parliament

Parliament shall consist of the National Assembly and the Senate.

37 Legislative authority of Republic

The legislative authority of the Republic shall, subject to this Constitution, vest in Parliament, which shall have the power to make laws for the Republic in accordance with this Constitution.

38 Duration of Parliament

(1) Parliament as constituted in terms of the first election under this Constitution shall, subject to subsection (2), continue for five years as from the date of the first sitting of the National Assembly under this Constitution.

(2) If during the period referred to in subsection (1) Parliament is dissolved under section 73 (9) or 93 (1) or (3) (c), the Houses of Parliament as constituted then, shall continue for the period up to the day immediately preceding the commencement of polling for the election of the National Assembly held in pursuance of such dissolution.

(3) Notwithstanding any dissolution of Parliament-

(a) every person who at the date of the dissolution is a member of the National Assembly or the Senate shall remain a member thereof;

(b) the National Assembly and the Senate shall remain competent to perform their functions; and

(c) the President shall be competent to summon Parliament by proclamation in the Gazette to an extraordinary sitting for the despatch of urgent business, during the period for which the Houses of Parliament continue in terms of subsection (2) after the dissolution.

(4) If Parliament is dissolved and a new Parliament is constituted as contemplated in section 39, this section shall apply mutatis mutandis in respect of such new Parliament save that the new Parliament shall continue for the unexpired part of the period referred to in subsection (1).

39 Elections

(1) Upon a dissolution of Parliament in terms of section 73 (9) or 93 (1) or (3) (c), the President shall by proclamation in the Gazette-

(a) call an election of the National Assembly, which election shall take place within 90 days after the dissolution of Parliament on a date or dates specified in the proclamation; and

(b) request parties represented in the provincial legislatures to nominate persons as senators for the respective provinces in accordance with section 48 (1) (b).(2) An election referred to in subsection (1) (a) shall be held in accordance with the Electoral Act, 1993.

The National Assembly; 40 Composition of National Assembly

(1) The National Assembly shall consist of 400 members elected in accordance with the system of proportional representation of voters as provided for in Schedule 2 and the Electoral Act, 1993.

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Legislative Branch
Reform

(2) A person nominated as a candidate for election to the National Assembly on a regional list contemplated in Schedule 2, shall, subject to subsection (3), at the time of the nomination be ordinarily resident in the province in respect of which that regional list applies.

(3) Notwithstanding subsection (2), a regional list may contain the names of candidates who are not ordinarily resident in the province in respect of which that list applies, provided that no such list shall contain the names of more than one such candidate or more than 10 per cent of the total number of candidates the party concerned is entitled to nominate on that list, whichever is the greater number.

(4) For the purposes of this section, a person shall be deemed to be ordinarily resident at the place where he or she normally lives and to which he or she returns regularly after any period of temporary absence, including the place where he or she was previously so ordinarily resident and to which he or she returns regularly after any period of absence.

(5) If a regional list contemplated in subsection (2) contains more names of candidates not ordinarily resident in the province in respect of which that list applies than are permissible under that subsection, the surplus of such names so contained shall be deleted mutatis mutandis in accordance with section 22 (8) of the Electoral Act, 1993. [Date of commencement of s. 40: 9 March 1994.]

The National Assembly; 41 Speaker and Deputy Speaker of National Assembly

(1) At its first sitting after it has been convened under section 46 (2), and after the election of the President, the National Assembly, with the Chief Justice or a judge of the Supreme Court designated by him or her acting as the chairperson, shall elect one of its members to be the Speaker, and shall thereafter elect another of its members to be the Deputy Speaker.

(2) The provisions of Schedule 5 shall apply mutatis mutandis to the election of the Speaker and the Deputy Speaker.

(3) The Speaker shall be vested with all powers and functions assigned to him or her by this Constitution, an Act of Parliament and the rules and orders.

(4) If the Speaker is absent or for any reason unable to exercise or perform the powers or functions vested in the office of Speaker, or when the office of Speaker is vacant, the Deputy Speaker shall act as Speaker during the Speaker's absence or inability or until a Speaker is elected.

(5) If any of the circumstances described in subsection (4) applies with reference to both the Speaker and the Deputy Speaker, a member of the National Assembly designated in terms of the rules and orders shall act as Speaker while the said circumstances prevail.

(6) The Deputy Speaker or the member designated under subsection (5), while acting as Speaker, may exercise the powers and shall perform the functions vested in the office of Speaker.

(7) The Speaker, the Deputy Speaker or any other member of the National Assembly designated for that purpose in terms of the rules and orders, shall preside over sittings of the National Assembly.

(8) While presiding at a sitting of the National Assembly, the Speaker, Deputy Speaker or other member presiding shall not have a deliberative vote, but shall have and exercise a casting vote in the case of an equality of votes.

(9) The Speaker or Deputy Speaker shall vacate his or her office if he or she ceases to be a member of the National Assembly, and may be removed from office by resolution of the National Assembly, and may resign by lodging his or her resignation in writing with the Secretary to Parliament.

(10) If the office of Speaker or Deputy Speaker becomes vacant, the National Assembly, under the chairpersonship of the Chief Justice or a judge as provided in subsection (1), shall elect a member to fill the vacancy: Provided

that the Speaker shall in such event preside at the election of the Deputy Speaker.

The National Assembly; 42 Qualification for membership of National Assembly

(1) No person shall become or remain a member of the National Assembly unless he or she is a South African citizen and is and remains qualified in terms of section 6 to vote in an election of the National Assembly, or if he or she-

(a) at the time of the first election of the National Assembly held under this Constitution is serving a sentence of imprisonment of more than 12 months without the option of a fine;

(b) at any time after the promulgation of this Constitution is convicted of an offence in the Republic, or outside the Republic if the conduct constituting such offence would have constituted an offence in the Republic, and for which he or she has been sentenced to imprisonment of more than 12 months without the option of a fine, unless he or she has received a pardon;

(c) is an unrehabilitated insolvent;

(d) is of unsound mind and has been so declared by a competent court; or

(e) holds any office of profit under the Republic: Provided that the following persons shall be deemed not to hold an office of profit under the Republic for the purpose of this paragraph, namely-

(i) an Executive Deputy President, a Minister or a Deputy Minister;

(ii) a person in receipt of a pension paid from public funds or from a pension fund aided by public funds;

(iii) a justice of the peace or appraiser; or

(iv) a member of any council, board, committee, commission or similar body established by or under law or a committee of the National Assembly who receives remuneration not in excess of an amount equal to his or her salary as a member of the National Assembly.

(2) For the purposes of subsection (1) (b) no person shall be deemed as having been convicted of an offence until any appeal against the conviction or sentence has been determined, or, if no appeal against the conviction or sentence has been noted, the time for noting such an appeal has expired. [Date of commencement of s. 42: 9 March 1994.]

The National Assembly; 43 Vacation of seats

A member of the National Assembly shall vacate his or her seat if he or she-

(a) ceases to be eligible to be a member of the National Assembly in terms of section 42;

(b) ceases to be a member of the party which nominated him or her as a member of the National Assembly;

(c) resigns his or her seat by submitting his or her resignation in writing to the Secretary to Parliament;

(d) without having obtained leave in accordance with the rules and orders, absents himself or herself voluntarily from sittings of the National Assembly or any other parliamentary forum of which he or she is a member, for 15 consecutive days on which the National Assembly or any such forum sat; or

(e) becomes a member of the Senate, a provincial legislature or a local government.

The National Assembly; 44 Filling of vacancies

(1) If a member of the National Assembly vacates his or her seat, the vacancy shall be filled by a person nominated in terms of subsection (2) by the party which nominated the vacating member.

(2) The party entitled in terms of subsection (1) to fill a vacancy shall nominate a person-

(a) whose name appears on that list of candidates of that party, compiled in terms of Schedule 2, from which the vacating member was nominated to the National Assembly; and

(b) who according to the order of preference of the candidates on such list is the next qualified and available person entitled in terms of Schedule 2 to represent that party in the National Assembly.

(3) A nomination in terms of this section shall be submitted in writing to the Speaker.

The National Assembly; 45 Oath or affirmation by members of National Assembly

Every member of the National Assembly, before taking his or her seat, shall make and subscribe an oath or solemn affirmation in the terms set out in Schedule 3 before the Chief Justice, or a judge of the Supreme Court designated by the Chief Justice for this purpose, or, in the case of a member nominated under section 44, before the Speaker.

The National Assembly; 46 Sittings of National Assembly

(1) The National Assembly shall sit at the Houses of Parliament in Cape Town, unless the Speaker, in accordance with the rules and orders and in consultation with the President of the Senate, directs otherwise on the grounds of public interest, security or convenience.

(2) The Chief Justice shall convene the National Assembly within 10 days after an election of the National Assembly.

(3) The National Assembly shall sit during such periods and on such days and during such hours as it may determine: Provided that the President may at any time by proclamation in the Gazette summon the National Assembly to an extraordinary sitting for the despatch of urgent business.

The National Assembly; 47 Quorum

The presence of at least one third or, when a vote is taken on a Bill, of at least one half of all the members of the National Assembly, other than the Speaker or other presiding member, shall be necessary to constitute a meeting of the National Assembly.

The Senate; 48 Composition of Senate

(1) The Senate shall be composed of 10 senators for each province, nominated by the parties represented in a provincial legislature within 10 days of-

(a) the first sitting of such legislature after an election of the legislature; or

(b) an election of the National Assembly held in pursuance of a dissolution of Parliament.

(2) Each party represented in a provincial legislature shall be entitled to nominate a senator or senators for the relevant province in accordance with the principle of proportional representation as determined by the following formula:

(a) The number of senators each party shall be entitled to nominate, shall subject to paragraph (b) be determined by multiplying the number of seats such party holds in the provincial legislature by 10 and dividing the result by the total number of seats in the legislature plus one.

(b) If the application of paragraph (a) yields a surplus not absorbed by the number of senators allocated to that party, such surplus shall compete with similar surpluses accruing to any other party or parties, and any undistributed senatorial seat or seats shall be allocated to the party or parties concerned in sequence of the highest surplus.

(3) A member of a provincial legislature or local government nominated as a senator in terms of this section, shall vacate his or her seat in the provincial legislature or local government upon his or her acceptance of such nomination.

The Senate; 49 President and Deputy President of Senate

(1) At its first sitting after it has been convened under section 53 (2), and before proceeding to dispatch any other business, the Senate, with the Chief Justice or a judge of the Supreme Court designated by him or her acting as the chairperson, shall elect one of its members to be the President of the Senate, and shall thereafter elect another of its members to be the Deputy President of the Senate.

(2) The provisions of Schedule 5 shall apply mutatis mutandis to the election of the President and the Deputy President of the Senate.

(3) The President of the Senate shall be vested with all the powers and functions assigned to him or her by this Constitution, an Act of Parliament and the rules and orders.

(4) If the President of the Senate is absent or for any reason unable to exercise and perform the powers and functions vested in the office of President of the Senate, or when the office of President of the Senate is vacant, the Deputy President of the Senate shall act as President of the Senate during the absence or inability of the President of the Senate or until a President of the Senate is elected.

(5) If any of the circumstances described in subsection (4) applies with reference to both the President and the Deputy President of the Senate, a senator designated in terms of the rules and orders shall act as President of the Senate while the said circumstances prevail.

(6) The Deputy President of the Senate or the senator designated under subsection (5), while acting as resident of the Senate, may exercise the powers and shall perform the functions vested in the office of President of the Senate.

(7) The President or Deputy President of the Senate or any other senator designated for that purpose in terms of the rules and orders shall preside over sittings of the Senate.

(8) While presiding at a sitting of the Senate, the President or Deputy President of the Senate or other senator presiding shall not have a deliberative vote, but shall have and exercise a casting vote in the case of an equality of votes.

(9) The President or Deputy President of the Senate shall vacate his or her office if he or she ceases to be a senator, and may be removed from office by resolution of the Senate, and may resign by lodging his or her resignation in writing with the Secretary to Parliament.

(10) If the office of President or Deputy President of the Senate becomes vacant, the Senate, under the chairpersonship of the Chief Justice or a judge as provided in subsection (1), shall elect a member to fill the vacancy:

Provided that the President of the Senate shall in such event preside at the election of the Deputy President of the Senate.

The Senate; 50 Qualification for membership of Senate

No person shall be qualified to become or remain a senator unless he or she is or remains qualified to become a member of the National Assembly.

51 Vacation of seats by senators and filling of vacancies

(1) A senator shall vacate his or her seat if he or she-

(a) ceases to qualify to be a senator in terms of section 50;

(b) ceases to be a member of the party which nominated him or her as a senator in terms of section 48;

(c)resigns his or her seat by submitting his or her resignation in writing to the Secretary to Parliament;

(d)without having obtained leave in accordance with the rules and orders, absents himself or herself voluntarily from sittings of the Senate or any other parliamentary forum of which he or she is a member, for 15 consecutive days on which the Senate or any such forum sat; or

(e)becomes a member of the National Assembly, a provincial legislature or a local government.

(2)

(a) If a senator vacates his or her seat, the vacancy shall be filled by a person nominated by the party which nominated the vacating senator and who is qualified and available to fill the vacancy.

(b) A nomination in terms of this subsection shall be submitted in writing to the President of the Senate.

(3) If a provincial legislature is dissolved, the senators from the province in question shall vacate their seats in the Senate with effect from the date of the first sitting of such legislature after the election of such legislature held in pursuance of such dissolution, whereupon the vacancies shall be filled in terms of section 48 (1) (a).

The Senate; 52 Oath or affirmation by senators

Every senator, before taking his or her seat, shall make and subscribe an oath or solemn affirmation in the terms set out in Schedule 3 before the Chief Justice, or a judge of the Supreme Court designated by the Chief Justice for this purpose, or, in the case of a senator nominated under section 51 (2), before the President of the Senate.

The National Assembly and the Senate; 53 Sittings of Senate

(1) The Senate shall sit at the Houses of Parliament in Cape Town, unless the President of the Senate, in accordance with the rules and orders and in consultation with the Speaker, directs otherwise on the grounds of public interest, security or convenience.

(2) The Chief Justice shall after an election of the National Assembly convene the Senate as soon as is practically possible, but not later than 30 days after such election.

(3) The Senate shall sit during such periods and on such days and during such hours as it may determine:

Provided that the President may at any time by proclamation in the Gazette summon the Senate to an extraordinary sitting for the dispatch of urgent business.

The Senate; 54 Quorum

The presence of at least one third or, when a vote is taken on a Bill, of at least one half of all the senators, other than the President of the Senate or other presiding senator, shall be necessary to constitute a meeting of the Senate.

The National Assembly and the Senate; 55 Powers, privileges and immunities of Parliament and benefits of members

(1) Parliament shall have full power to control, regulate and dispose of its internal affairs, and shall have all such other powers, privileges and immunities as may, subject to this Constitution, be prescribed by an Act of Parliament.

(2) Subject to the rules and orders there shall be freedom of speech and debate in or before Parliament and any committee thereof, and such freedom shall not be impeached or questioned in any court.

(3) A member of Parliament shall not be liable to any civil or criminal proceedings, arrest, imprisonment or damages by reason of anything which

he or she has said, produced or submitted in or before or to Parliament or any committee thereof or by reason of anything which may have been revealed as a result of what he or she has said, produced or submitted in or before or to Parliament or any committee thereof.

(4) There shall, subject to section 207 (2), be paid out of and as a charge on the National Revenue Fund to a member of the National Assembly or the Senate such remuneration and allowances as may be prescribed by or determined under an Act of Parliament. [Sub-s. (4) substituted by s. 1 of Act 13 of 1994.]

The National Assembly and the Senate; 56 Penalty for sitting or voting when disqualified by law

Any person who in terms of this Constitution is disqualified to sit as a member of a House and who, while so disqualified and knowing that he or she is so disqualified, sits or votes as a member of a House in question, shall be liable to a penalty determined by the rules and orders for each day on which he or she so sits or votes, which may be recovered for credit of the National Revenue Fund by action in a court of law.

The National Assembly and the Senate; 57 Joint sittings of Houses

(1) Whenever necessary the National Assembly and the Senate shall convene in a joint sitting, which shall be presided over by the Speaker, the President of the Senate or any other member of the National Assembly or the Senate as may be determined by the rules and orders.

(2) While presiding at a joint sitting the Speaker, the President of the Senate or the other member presiding, shall not have a deliberative vote, but shall have and exercise a casting vote in the case of an equality of votes.

(3) Without derogating from the power of Parliament to regulate its business and proceedings, the President of the Republic may, whenever he or she deems it desirable, request by message to the Speaker and the President of the Senate that a joint sitting of the National Assembly and the Senate be convened.

The National Assembly and the Senate; 58 Rules and orders

(1) The National Assembly or the Senate may make rules and orders in connection with the conduct of its business and proceedings, and the National Assembly and the Senate may make joint rules and orders in connection with the conduct of their joint business and proceedings, including rules and orders regulating-

(a) the establishment, constitution, powers and functions, procedures and duration of committees of Parliament;

(b) restrictions on access to such committees;

(c) the competency of any such committee to perform or dispose of its business and proceedings at venues other than the Houses of Parliament; and

(d) the designation of members of the National Assembly and the Senate as presiding officers to preside over sittings of the National Assembly or the Senate or joint sittings of the National Assembly and the Senate, as the case may be, as and when the Speaker or the President of the Senate so requires.

(2) For the purposes of exercising its powers and performing its functions, any committee established under subsection (1) (a) shall have the power to summon persons to appear before it to give evidence on oath or affirmation and to produce any documents required by it, and to receive representations from interested persons.

The National Assembly and the Senate; 59 Ordinary Bills

(1) An ordinary Bill may be introduced in either the National Assembly or the Senate and shall for its passing by Parliament, subject to subsection (2), be required to be adopted by each House.

(2) An ordinary Bill passed by one House and rejected by the other shall be referred to a joint committee consisting of members of both Houses and of all the parties represented in Parliament and willing to participate in the joint committee, to consider and report on any proposed amendments to the Bill, whereafter the Bill shall be referred to a joint sitting of both Houses, at which it may be passed with or without amendment by a majority of the total number of members of both Houses.

(3) All Bills, except the new constitutional text and those referred to in sections 60 (1), 61 and 62, shall for the purposes of this Constitution be considered to be ordinary Bills.

The National Assembly and the Senate; 60 Money Bills

(1) Bills appropriating revenue or moneys or imposing taxation shall be introduced in the National Assembly only.

(2) Bills appropriating revenue or moneys for services provided by the national government shall deal with such appropriation only.

(3) The National Assembly shall not consider any Bill appropriating revenue or moneys unless such Bill was initiated by the Minister responsible for national financial matters, or by any other Minister acting with the concurrence of the said Minister.

(4) The National Assembly shall not pass a Bill referred to in subsection (1) unless it has been considered and reported on by a joint committee of both Houses and, in so far as it may be required in terms of this Constitution, by the Financial and Fiscal Commission.

(5) A Bill shall not be deemed to appropriate revenue or moneys or to impose taxation by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties.

(6) The Senate may not amend any Bill in so far as it appropriates revenue or moneys or imposes taxation.

(7) If the National Assembly passes a Bill imposing taxation or dealing with the appropriation of revenue or moneys and the Senate rejects it or proposes amendments to it or fails to pass it within 30 days after it has been passed by the National Assembly, the Bill shall be referred back to the National Assembly for reconsideration.

(8) The National Assembly may pass a Bill referred to in subsection (7), with or without amendment, and if passed by the National Assembly such Bill shall be deemed to have been passed by Parliament.

The National Assembly and the Senate; 61 Bills affecting certain provincial matters

Bills affecting the boundaries or the exercise or performance of the powers and functions of the provinces shall be deemed not to be passed by Parliament unless passed separately by both Houses and, in the case of a Bill, other than a Bill referred to in section 62, affecting the boundaries or the exercise or performance of the powers or functions of a particular province or provinces only, unless also approved by a majority of the senators of the province or provinces in question in the Senate.

The National Assembly and the Senate; 62 Bills amending Constitution

(1) Subject to subsection (2) and section 74, a Bill amending this Constitution shall, for its passing by Parliament, be required to be adopted at a joint sitting of the National Assembly and the Senate by a majority of at least two-thirds of the total number of members of both Houses.

(2) No amendment of sections 126 and 144 shall be of any force and effect unless passed separately by both Houses by a majority of at least two-thirds of all the members in each House: Provided that the boundaries and legislative

and executive competences of a province shall not be amended without the consent of a relevant provincial legislature.

The National Assembly and the Senate; 63 Requisite majorities

Save where otherwise required in this Constitution, all questions before the National Assembly or the Senate or before the National Assembly and the Senate in a joint sitting, shall be determined by a majority of votes cast.

The National Assembly and the Senate; 64 Assent to Bills

(1) A Bill duly passed by Parliament in accordance with this Constitution shall be assented to by the President subject to section 82 (1) (b).

(2) A Bill referred to in subsection (1) to which the President has assented and a copy of which he or she has signed, shall upon its promulgation be an Act of Parliament.

The National Assembly and the Senate; 65 Signature and enrollment of Acts

(1) An Act of Parliament referred to in section 64

(2) shall be enrolled of record in the office of the Registrar of the Appellate Division of the Supreme Court in such official South African languages as may be required in terms of section 3, and copies of the Act so enrolled shall be conclusive evidence of the provisions of the Act.

(2) In the case of a conflict between copies of an Act enrolled in terms of subsection (1), the copy signed by the President shall prevail.

(3) The public shall have the right of access to copies of an Act so enrolled, subject to such laws as may be passed by Parliament to protect the safety and durability of the said copies and with due regard to the convenience of the Registrar's staff.

The National Assembly and the Senate; 66 Rights and duties of President, Executive Deputy Presidents, Ministers and Deputy Ministers in Houses

The President, an Executive Deputy President, a Minister and a Deputy Minister shall be entitled to sit and to speak in any House and at a joint sitting of the Houses, but may not vote in the House of which he or she is not a member or, if he or she is not a member of any of the Houses, in any House or at a joint sitting of the Houses. [S. 66 substituted by s. 1 of Act 14 of 1994.]

The National Assembly and the Senate; 67 Public access to Parliament

Sittings of the National Assembly or the Senate and joint sittings of the National Assembly and the Senate shall be held in public, and the public, including the media, shall have access to such sittings: Provided that reasonable measures may be taken to regulate such access and to provide for the search and, where appropriate, the refusal of entry or the removal of any person.

Page 35-44; CHAPTER 6: THE NATIONAL EXECUTIVE

75 Executive authority of the Republic

tr_exe Executive Branch
 Reform

The executive authority of the Republic with regard to all matters falling within the legislative competence of Parliament shall vest in the President, who shall exercise and perform his or her powers and functions subject to and in accordance with this Constitution.

76 Head of State

The President shall be the Head of State.

77 Election of President:

(1)(a) The National Assembly shall at its first sitting after it has been convened in terms of Section 46 (2) elect one of its members as the President.

(b) The National Assembly and the Senate shall thereafter, as often as it again becomes necessary to elect a President, elect at a joint sitting one of the members of the National Assembly as the President.

(2)(a) The Chief Justice, or a judge of the Supreme Court designated by the Chief Justice for this purpose, shall preside over any sitting at which an election referred to in Subsection (1) takes place.

(b) An election referred to in Subsection (1) shall be conducted in accordance with Schedule 5.

(3) The election of a President in terms of Subsection (1)(b) shall take place at a time and on a date fixed by the Chief Justice: Provided that:

(a) if such an election of a President is occasioned by reason of a dissolution of Parliament, it shall take place within 10 days after the Senate was convened after the election of the National Assembly held in pursuance of such dissolution; or

(b) if such an election of a President is occasioned by reason of a vacancy in the office of President, it shall take place within 30 days after the vacancy arose.

(4) On being elected, the President shall vacate his or her seat in the National Assembly.

(5) During the period in which the President continues in office in terms of Section 80 (1)(b), he or she shall for the purposes of Section 42 (1)(e) be deemed not to hold an office of profit under the Republic.

78 Oath or affirmation

The President-elect shall, before formally assuming office, make and subscribe an oath or solemn affirmation in the terms set out in Schedule 3 before the Chief Justice or a judge of the Supreme Court designated by the Chief Justice for this purpose.

79 Remuneration of President

There shall be paid to the President out of and as a charge on the National Revenue Fund and apart from any privilege which he or she may enjoy, such remuneration and allowances, and upon his or her retirement, or to his or her widow or widower or dependent or nominee (including his or her estate) as he or she may elect, on his or her death, such pension and pension benefits, as may be determined from time to time by resolution of Parliament.

80 Tenure of office of President

(1) The President elected in terms of section 77 (1)

(a) shall, subject to sections 87 and 93 (2), hold office- (a) for the period terminating on a date five years as from the date of the first sitting of the National Assembly under this Constitution; or

(b) if Parliament is dissolved during such period, for the period until a President has been elected in terms of section 77 (1) (b) after such dissolution and has assumed office.

(2) A President elected in terms of section 77 (1) (b) shall, subject to subsection (1) (b) of this section and sections 87 and 93 (2) , hold office for the unexpired part of the period referred to in subsection (1) (a) of this section.

81 Responsibilities of President

(1) The President shall be responsible for the observance of the provisions of this Constitution by the executive and shall as head of state defend and uphold the Constitution as the supreme law of the land.

(2) The President shall with dignity provide executive leadership in the interest of national unity in accordance with this Constitution and the law of the Republic.

(3) The President shall not hold any other public office and shall not perform remunerative work outside the duties of his or her office.

82 Powers and functions of President

(1) The President shall be competent to exercise and perform the following powers and functions, namely-

- (a) to assent to, sign and promulgate Bills duly passed by Parliament;
- (b) in the event of a procedural shortcoming in the legislative process, to refer a Bill passed by Parliament back for further consideration by Parliament;
- (c) to convene meetings of the Cabinet;
- (d) to refer disputes of a constitutional nature between parties represented in Parliament or between organs of state at any level of government to the Constitutional Court or other appropriate institution, commission or body for resolution;
- (e) to confer honours;
- (f) to appoint, accredit, receive and recognise ambassadors, plenipotentiaries, diplomatic representatives and other diplomatic officers, consuls and consular officers;
- (g) to appoint commissions of enquiry;
- (h) to make such appointments as may be necessary under powers conferred upon him or her by this Constitution or any other law; referenda and plebiscites in terms of this Constitution
- (i) to negotiate and sign international agreements;
- (j) to proclaim or an Act of Parliament; and
- (k) to pardon or reprieve offenders, either unconditionally or subject to such conditions as he or she may deem fit, and to remit any fines, penalties or forfeitures.

(2) The President shall consult the Executive Deputy Presidents-

- (a) in the development and execution of the policies of the national government;
 - (b) in all matters relating to the management of the Cabinet and the performance of Cabinet business;
 - (c) in the assignment and allocation of functions contemplated in section 84
- (5) to an Executive Deputy President;
- (d) regarding appointments under subsection (1) (f) ; and
 - (e) before exercising any of the competences referred to in subsection (1) (g) to (k) .

(3) The President shall exercise and perform all powers and functions assigned to him or her by this Constitution or any other law, except those specified in subsections (1) and (2) or where otherwise expressly or by implication provided in this Constitution, in consultation with the Cabinet: Provided that the Cabinet may delegate its consultation function in terms of this subsection, with reference to any particular power or function of the President, to any Minister or Ministers.

(4)

(a) The President shall be the Commander-in-Chief of the National Defence Force.

(b) The President may-

- (i) with the approval of Parliament, declare a state of national defence;
- (ii) employ the National Defence Force in accordance with and subject to sections 227 and 228; and
- (iii) confer upon members of the National Defence Force permanent commissions and cancel such commissions.

83 Confirmation of executive acts of President

(1) Decisions of the President taken in terms of section 82 shall be expressed in writing under his or her signature.

(2) Any instrument signed by the President in the exercise or performance of a power or function referred to in section 82 (3) shall be countersigned by a Minister.

(3) The signature of the President on any instrument shall be confirmed by the seal of the Republic.

84 Executive Deputy Presidents

(1) Every party holding at least 80 seats in the National Assembly shall be entitled to designate an Executive Deputy President from among the members of the National Assembly.

(2) Should no party or only one party hold 80 or more seats in the National Assembly, the party holding the largest number of seats and the party holding the second largest number of seats shall each be entitled to designate one Executive Deputy President from among the members of the National Assembly.

(3) On being designated as such, an Executive Deputy President may elect to vacate or not to vacate his or her seat in the National Assembly.

(4) Section 81 shall apply mutatis mutandis to an Executive Deputy President.

(5) An Executive Deputy President may exercise the powers and shall perform the functions vested in the office of Executive Deputy President by this Constitution or assigned to him or her by the President.

(6) An Executive Deputy President shall, before formally assuming office, make and subscribe an oath or solemn affirmation in the terms set out in Schedule 3 before the Chief Justice or a judge of the Supreme Court designated by the Chief Justice for this purpose.

85 Tenure of office of Executive Deputy Presidents and filling of vacancies

(1) An Executive Deputy President shall, subject to section 87, hold office-

(a) for the period terminating on a date five years as from the date of the first sitting of the National Assembly under this Constitution, unless he or she is before the expiry of such period replaced as Executive Deputy President by the party which designated him or her; or

(b) if Parliament is dissolved during such period, for the period until a President has been elected in terms of section 77 (1) (b) after such dissolution and has assumed office.

(2) If an Executive Deputy President vacates his or her office, section 84 (1) or (2) shall apply mutatis mutandis in respect of the filling of the vacancy.

(3) An Executive Deputy President designated to fill a vacancy shall, subject to subsection (1) (b) of this section and section 87, hold office for the unexpired part of the period referred to in subsection (1) (a) of this section.

86 Acting President

(1) The President shall appoint one of the Executive Deputy Presidents, or if no Executive Deputy President is available, a Minister, to act as President during his or her absence or temporary incapacity.

(2) In designating an Acting President under subsection (1), the President shall take into consideration the exigencies of government and the spirit underlying the concept of a government of national unity.

(3) Should it be necessary that an Acting President be appointed and the President is absent or unable to make such an appointment, or if the office of President is vacant, the other members of the Cabinet shall make such

appointment, taking into consideration the exigencies of government and the spirit underlying the concept of a government of national unity. (3A)

(a) The person appointed as Acting President shall, subject to paragraph (b) , before formally assuming office make and subscribe an oath or solemn affirmation in the terms set out in Schedule 3 before the Chief Justice or a judge of the Supreme Court designated by the Chief Justice for this purpose.

(b) An oath or solemn affirmation made and subscribed by a person appointed as Acting President shall for purposes of any subsequent appointment of that person as Acting President during the term of office of a particular President, be deemed to be an oath or solemn declaration made and subscribed by that person also in respect of such subsequent appointment. [Sub-s. (3A) inserted by s. 2 of Act 29 of 1993.]

87 Removal from office of President or Executive Deputy President

The President or an Executive Deputy President shall cease to hold office on a resolution adopted at a joint sitting of the National Assembly and the Senate by a majority of at least two-thirds of the total number of members of the Houses and impeaching the President or such Executive Deputy President on the ground of a serious violation of this Constitution or the other laws of the Republic, or of misconduct or inability rendering him or her unfit to exercise and perform his or her powers and functions in accordance with section 81 or 84 (4) , as the case may be.

88 Cabinet

(1) The Cabinet shall consist of the President, the Executive Deputy Presidents and-

(a) not more than 27 Ministers who are members of Parliament and appointed in terms of subsections (2) to (6) ; and

(b) not more than one Minister who is not a member of Parliament and appointed in terms of subsection (6A) , provided the President, acting in consultation with the Executive Deputy Presidents and the leaders of the participating parties, deems the appointment of such a Minister expedient. [Subs. (1) substituted by s. 2 (a) of Act 14 of 1994.]

(2) A party holding at least 20 seats in the National Assembly and which has decided to participate in the government of national unity, shall be entitled to be allocated one or more of the Cabinet portfolios in respect of which Ministers referred to in subsection (1)

(a) are to be appointed, in proportion to the number of seats held by it in the National Assembly relative to the number of seats held by the other participating parties. [Sub-s. (2) substituted by s. 2 (b) of Act 14 of 1994.]

(3) Cabinet portfolios shall for the purposes of subsection (2) be allocated to the respective participating parties in accordance with the following formula:

(a) A quota of seats per portfolio shall be determined by dividing the total number of seats in the National Assembly held jointly by the participating parties by the number of portfolios in respect of which Ministers referred to in subsection (1) (a) are to be appointed, plus one. [Para. (a) substituted by s. 2 (c) of Act 14 of 1994.]

(b) The result, disregarding third and subsequent decimals, if any, shall be the quota of seats per portfolio.

(c) The number of portfolios to be allocated to a participating party shall be determined by dividing the total number of seats held by such party in the National Assembly by the quota referred to in paragraph (b).

(d) The result shall, subject to paragraph (e) , indicate the number of portfolios to be allocated to such party.

(e) Where the application of the above formula yields a surplus not absorbed by the number of portfolios allocated to a party, such surplus shall compete with other similar surpluses accruing to another party or parties, and any portfolio or portfolios which remain unallocated shall be allocated to the party or parties concerned in sequence of the highest surplus.

(4) The President shall after consultation with the Executive Deputy Presidents and the leaders of the participating parties-

- (a) determine the specific portfolios to be allocated to the respective participating parties in accordance with the number of portfolios allocated to them in terms of subsection (3) ;
- (b) appoint in respect of each such portfolio a member of Parliament who is a member of the party to which that portfolio was allocated under paragraph(a) , as the Minister responsible for that portfolio;
- (c) if it becomes necessary for the purposes of this Constitution or in the interest of good government, vary any determination under paragraph (a) subject to subsection (3) ;
- (d) terminate any appointment under paragraph (b) -
 - (i) if he or she is requested to do so by the leader of the party of which the Minister in question is a member; or
 - (ii) if it becomes necessary for the purposes of this Constitution or in the interest of good government; or
- (e) fill, when necessary, subject to paragraph (b) , a vacancy in the office of Minister.

(5) Subsection (4) shall be implemented in the spirit underlying the concept of a government of national unity, and the President and the other functionaries concerned shall in the implementation of that subsection endeavour to achieve consensus at all times: Provided that if consensus cannot be achieved on-

- (a) the exercise of a power referred to in paragraph (a) , (c) or (d) (ii) of that subsection, the President's decision shall prevail;
- (b) the exercise of a power referred to in paragraph (b) , (d) (i) or (e) of that subsection affecting a person who is not a member of the President's party, the decision of the leader of the party of which such person is a member shall prevail; and
- (c) the exercise of a power referred to in paragraph (b) or (e) of that subsection affecting a person who is a member of the President's party, the President's decision shall prevail.

(6) If any determination of portfolio allocations is varied under subsection (4) (c) , the affected Ministers shall vacate their portfolios but shall be eligible, where applicable, for re-appointment to other portfolios allocated to their respective parties in terms of the varied determination.

(6A) The President shall-

- (a) in consultation with the Executive Deputy Presidents and the leaders of the participating parties-
 - (i) determine a specific portfolio for a Minister referred to in subsection (1) (b) should it become necessary pursuant to a decision of the President under that subsection;
 - (ii) appointing in respect of such a portfolio a person who is not a member of Parliament, as the Minister responsible for that portfolio;
 - (iii) fill, if necessary, a vacancy in respect of that portfolio;
- or
- (b) after consultation with the Executive Deputy Presidents and the leaders of the participating parties terminate any appointment under paragraph (a) if it becomes necessary for the purposes of this Constitution or in the interest of good government. [Sub-s.(6A) inserted by s. 2 (d) of Act 14 of 1994.]

(7) A Minister shall, before formally assuming office, make and subscribe an oath or solemn affirmation in the terms set out in Schedule 3 before the Chief Justice or a judge of the Supreme Court designated by the Chief Justice for this purpose.

(8) No member of the Cabinet may take up any other paid employment, engage in activities inconsistent with his or her membership of the Cabinet, or expose himself or herself to any situation which carries with it the risk of a conflict between his or her responsibilities as a member of the Cabinet and his or her private interests.

(9) No member of the Cabinet shall use his or her position as such, or directly or indirectly use information entrusted confidentially to him or her in such capacity, to enrich himself or herself or any other person.

(10) There shall, subject to section 207 (2) , be paid out of and as a charge on the National Revenue Fund to an Executive Deputy President and to a Minister such remuneration and allowances as may be prescribed by or determined under an Act of Parliament. [Sub-s. (10) substituted by s. 2 of Act 13 of 1994.]

89 Cabinet procedure

(1) Meetings of the Cabinet shall be presided over by the President, or, if the President so instructs, by an Executive Deputy President: Provided that the Executive Deputy Presidents shall preside over meetings of the Cabinet in turn unless the exigencies of government and the spirit underlying the concept of a government of national unity otherwise dictate.

(2) The Cabinet shall function in a manner which gives consideration to the consensus-seeking spirit underlying the concept of a government of national unity as well as the need for effective government.

(3) Where an Executive Deputy President presides over a meeting of the Cabinet otherwise than in the capacity of Acting President, a decision in the Cabinet on any matter shall be submitted to the President before its implementation and shall upon its ratification by the President be deemed to be a decision taken in consultation with the Cabinet in accordance with section 82 (3) .

90 Temporary assignment of Minister's powers and functions to another Minister

Whenever a Minister is absent or for any reason unable to exercise and perform any of the powers and functions assigned to him or her, or whenever a Minister has vacated his or her office and a successor has not yet been appointed, the President may appoint any other Minister to act in the said Minister's stead, either generally or in the exercise or performance of any specific power or function.

91 Transfer of Minister's powers and functions to another Minister

(1) The President may assign the administration of a law which is entrusted to any particular Minister or which entrusts to any particular Minister any power or function, to any other Minister.

(2) Any reference in such a law to a particular Minister as the Minister to whom the administration of such law is entrusted, shall upon the assignment under subsection (1) of its administration to another Minister, be construed as a reference to the latter.

92 Accountability of Ministers and Cabinet

(1) A Minister shall be accountable individually both to the President and to Parliament for the administration of the portfolio entrusted to him or her, and all members of the Cabinet shall correspondingly be accountable collectively for the performance of the functions of the national government and for its policies.

(2) A Minister shall administer his or her portfolio in accordance with the policy determined by the Cabinet.

(3) If a Minister fails to administer his or her portfolio in accordance with the policy of the Cabinet, the President may require the Minister concerned to bring the administration of the portfolio into conformity with such policy.

(4) If the Minister concerned fails to comply with a requirement of the President under subsection (3) , the President may-

(a) in the case of a Minister referred to in section 88 (1) (a) , after consultation with the Minister and, if the Minister is not a member of the President's party, or is not the leader of a participating party, also after consultation with the leader of such Minister's party; or

(b) in the case of a Minister referred to in section 88 (1) (b) , after consultation with the Executive Deputy Presidents and the leaders of the participating parties, remove the Minister from office. [Sub-s. (4) substituted by s. 3 of Act 14 of 1994.]

93 Votes of no confidence

(1) If Parliament passes a vote of no confidence in the Cabinet, including the President, the President shall, unless he or she resigns, dissolve Parliament and call an election in accordance with section 39.

(2) If Parliament passes a vote of no confidence in the President, but not in the other members of the Cabinet, the President shall resign.

(3) If Parliament passes a vote of no confidence in the Cabinet, excluding the President, the President may-

(a) resign;

(b) reconstitute the Cabinet in accordance with section 88 (4) ; or

(c) dissolve Parliament and call an election in accordance with section 39.

(4) The President shall where required, or where he or she elects, to do so in terms of this section, dissolve Parliament by proclamation in the Gazette within 14 days of the relevant vote of no confidence.

94 Appointment of Deputy Ministers

(1) The President may, after consultation with the Executive Deputy Presidents and the leaders of the parties serving in the Cabinet, establish deputy ministerial posts.

(2) A party shall be entitled to be allocated one or more of the deputy ministerial posts in the same proportion and according to the same formula as that in which the portfolios in the Cabinet are allocated to it.

(3) The provisions of section 88 (4) to (6) and (7) to (10) shall apply mutatis mutandis in respect of Deputy Ministers, and in such application a reference to-

(a) a Minister or portfolio shall be construed as a reference to a Deputy Minister and a deputy ministerial post, respectively; and

(b) subsection (3) of section 88 shall be construed as a reference to subsection (2) of this section. [Subs. (3) amended by s. 4 of Act 14 of 1994.]

(4) If a person is appointed as the Deputy Minister of any portfolio entrusted to a Minister-

(a) such Deputy Minister shall exercise and perform on behalf of the relevant Minister any of the powers and functions assigned to such Minister in terms of any law or otherwise which may, subject to the directions of the President, be assigned to him or her by such Minister; and

(b) any reference in any law to such a Minister shall be construed as including a reference to the Deputy Minister acting in pursuance of an assignment under paragraph (a) by the Minister for whom he or she acts.

(5) Whenever a Deputy Minister is absent or for any reason unable to exercise or perform any of the powers or functions of his or her office, the President may appoint any other Deputy Minister or any other person to act in the said Deputy Minister's stead, either generally or in the exercise or performance of any specific power or function.

95 Composition and functioning of Cabinet in event of non-participation by parties

(1) If every party entitled to designate an Executive Deputy President, other than the President's party, fails to do so, the Executive Deputy President of the President's party shall exercise and perform the powers and functions of the Executive Deputy Presidents.

(2) If any party entitled to Cabinet portfolios declines to serve in the Cabinet, such party shall be disregarded in the determination of portfolio allocations in terms of section 88.

(3) If all parties entitled to Cabinet portfolios, other than the President's party, decline to serve in the Cabinet, appointments to the Cabinet shall be made at the discretion of the President.

Page 15; CHAPTER 3: FUNDAMENTAL RIGHTS; 34 State of emergency and suspension
[...]

Page 45-54; CHAPTER 7: THE JUDICIAL AUTHORITY AND THE ADMINISTRATION OF JUSTICE

96 Judicial authority

- (1) The judicial authority of the Republic shall vest in the courts established by this Constitution and any other law.
- (2) The judiciary shall be independent, impartial and subject only to this Constitution and the law.
- (3) No person and no organ of state shall interfere with judicial officers in the performance of their functions.

97 Appointment of Chief Justice and President of Constitutional Court

- (1) There shall be a Chief Justice of the Supreme Court of South Africa, who shall, subject to Section 104, be appointed by the President in consultation with the Cabinet and after consultation with the Judicial Service Commission.
- (2)(a) There shall be a President of the Constitutional Court, who shall, subject to Section 99, be appointed by the President in consultation with the Cabinet and after consultation with the Chief Justice.
(b) Unless the new constitutional text provides otherwise, the President of the Constitutional Court shall hold office for a non-renewable period of seven years.

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Judiciary Reform

98 Constitutional Court and its jurisdiction

- (1) There shall be a Constitutional Court consisting of a President and 10 other judges appointed in terms of Section 99.
- (2) The Constitutional Court shall have jurisdiction in the Republic as the court of final instance over all matters relating to the interpretation, protection and enforcement of the provisions of this Constitution, including:
 - (a) any alleged violation or threatened violation of any fundamental right entrenched in Chapter 3;
 - (b) any dispute over the constitutionality of any executive or administrative act or conduct or threatened executive or administrative act or conduct of any organ of state;
 - (c) any inquiry into the constitutionality of any law, including an Act of Parliament, irrespective of whether such law was passed or made before or after the commencement of this Constitution;
 - (d) any dispute over the constitutionality of any Bill before Parliament or a provincial legislature, subject to Subsection (9);
 - (e) any dispute of a constitutional nature between organs of state at any level of government;
 - (f) the determination of questions whether any matter falls within its jurisdiction; and
 - (g) the determination of any other matters as may be entrusted to it by this Constitution or any other law.
- (3) The Constitutional Court shall be the only court having jurisdiction over a matter referred to in Subsection (2), save where otherwise provided in Section 101 (3) and (6).
- (4) A decision of the Constitutional Court shall bind all persons and all legislative, executive and judicial organs of state.
- (5) In the event of the Constitutional Court finding that any law or any provision thereof is inconsistent with this Constitution, it shall declare such law or provision invalid to the extent of its inconsistency: Provided that the Constitutional Court may, in the interests of justice and good government,

require Parliament or any other competent authority, within a period specified by the Court, to correct the defect in the law or provision, which shall then remain in force pending correction or the expiry of the period so specified.

(6) Unless the Constitutional Court in the interests of justice and good government orders otherwise, and save to the extent that it so orders, the declaration of invalidity of a law or a provision thereof:

(a) existing at the commencement of this Constitution, shall not invalidate anything done or permitted in terms thereof before the coming into effect of such declaration of invalidity; or

(b) passed after such commencement, shall invalidate everything done or permitted in terms thereof.

(7) In the event of the Constitutional Court declaring an executive or administrative act or conduct or threatened executive or administrative act or conduct of an organ of state to be unconstitutional, it may order the relevant organ of state to refrain from such act or conduct, or, subject to such conditions and within such time as may be specified by it, to correct such act or conduct in accordance with this Constitution.

(8) The Constitutional Court may in respect of the proceedings before it make such order as to costs as it may deem just and equitable in the circumstances.

(9) The Constitutional Court shall exercise jurisdiction in any dispute referred to in Subsection (2)(d) only at the request of the Speaker of the National Assembly, the President of the Senate or the Speaker of a provincial legislature, who shall make such a request to the Court upon receipt of a petition by at least one-third of all the members of the National Assembly, the Senate or such provincial legislature, as the case may be, requiring him or her to do so.

99 Composition of Constitutional Court and Appointment of Judges of Constitutional Court

(1) Unless the new constitutional text provides otherwise, the judges of the Constitutional Court shall be appointed by the President for a non-renewable period of seven years.

(2) No person shall be qualified to be appointed President or a judge of the Constitutional Court unless he or she:

(a) is a South African citizen; and

(b) is a fit and proper person to be a judge of the Constitutional Court; and

(c)(i) is a judge of the Supreme Court or is qualified to be admitted as an advocate or attorney and has, for a cumulative period of at least 10 years after having so qualified, practiced as an advocate or an attorney or lectured in law at a university; or

(ii) is a person who, by reason of his or her training and experience, has expertise in the field of constitutional law relevant to the application of this Constitution and the law of the Republic.

(3) Four judges of the Constitutional Court shall be appointed from among the judges of the Supreme Court by the President in consultation with the Cabinet and with the Chief Justice.

(4) Subject to Subsection (5), six judges of the Constitutional Court shall be appointed by the President in consultation with the Cabinet and after consultation with the President of the Constitutional Court: Provided that not more than two persons may be appointed from the category of persons referred to in Subsection (2)(c)(ii).

(5)(a) Subject to Subsection (6), an appointment or appointments under Section 97 (2) or Subsection (4) or (7) of this section shall only be made from the recommendations of the Judicial Service Commission, and with due regard to its reasons for such recommendations, of not more than three nominees in excess of the number of persons required to be appointed: Provided that in respect of the first appointment after the commencement of this Constitution of the six judges referred to in Subsection (4), the Judicial Service Commission shall submit a list of ten nominees.

(b) If the appointing authorities decide not to accept any or some of such recommendations, the Judicial Service Commission shall be informed thereof and be furnished with the reasons therefore.

(c) After having been informed in terms of Paragraph (b), the Judicial Service Commission shall, in accordance with Paragraph (a), submit further recommendations, whereafter the appointing authorities shall make the appointment or appointments from the recommendations as supplemented in terms of this paragraph.

(d) In submitting its recommendations to the appointing authorities in terms of Paragraphs (a) and (c) the Judicial Service Commission shall have regard to the need to constitute a court which is independent and competent and representative in respect of race and gender.

(6) Subsection (5) shall not apply to the first appointment after the commencement of this Constitution of the President of the Constitutional Court under Section 97 (2).

(7) Vacancies in the Constitutional Court shall be filled:

(a) in the case of a vacancy in the office of a judge appointed under Subsection (3), in accordance with that subsection; and

(b) in the case of a vacancy in the office of a judge appointed under Subsection (4), in accordance with that subsection.

(8) Whenever the President of the Constitutional Court is absent or unable to perform his or her functions, or if the office of President of the Constitutional Court becomes vacant, the President may in consultation with the Cabinet and after consultation with the Chief Justice and, if he or she is available, the President of the Constitutional Court, appoint a judge of the Constitutional Court as Acting President of the Constitutional Court for the period of absence or inability of the President of the Constitutional Court or until the vacancy is filled. [Sub-s. (8) added by s. 3 of Act 29 of 1994.]

(9) Whenever a judge of the Constitutional Court is absent or unable to perform his or her functions, or if a vacancy among the judges of the Constitutional Court arises, the President may, on the recommendation of the Minister responsible for the administration of justice made in consultation with the President of the Constitutional Court and the Chief Justice, appoint any person qualified in terms of subsection (2), as an acting judge of the Constitutional Court for the period of absence or inability of the judge concerned or until the vacancy is filled: Provided that at all times at least four judges of the Constitutional Court, including acting judges, shall be judges who have been appointed from among the judges of the Supreme Court. [Sub-s. (9) added by s. 3 of Act 29 of 1994.]

(10) A person may be appointed as Acting President or acting judge of the Constitutional Court irrespective of whether he or she was appointed on a previous occasion as Acting President or acting judge of the Constitutional Court: Provided that no person shall act as an acting judge for a period exceeding six months. [Sub-s. (10) added by s. 3 of Act 29 of 1994.]

(11) Any appointment made under this section shall be deemed to have been made also in respect of any period during which the person appointed is necessarily engaged in connection with the disposal of any proceedings in which he or she has participated as a judge of the Constitutional Court and which have not yet been disposed of at the expiry of the period for which he or she was appointed. [Sub-s. (11) added by s. 3 of Act 29 of 1994.]

100 Engaging the Constitutional Court

(1) The conditions upon which the Constitutional Court may be seized of any matter within its jurisdiction, and all matters relating to the proceedings of and before the Court, shall be regulated by rules prescribed by the President of the Constitutional Court in consultation with the Chief Justice, which rules shall be published in the Gazette.

(2) The rules of the Constitutional Court may make provision for direct access to the Court where it is in the interest of justice to do so in respect of any matter over which it has jurisdiction.

101 Supreme Court

(1) There shall be a Supreme Court of South Africa, which shall consist of an Appellate Division and such provincial and local divisions, and with such areas of jurisdiction, as may be prescribed by law.

(2) Subject to this Constitution, the Supreme Court shall have the jurisdiction, including the inherent jurisdiction, vested in the Supreme Court immediately before the commencement of this Constitution, and any further jurisdiction conferred upon it by this Constitution or by any law.

(3) Subject to this Constitution, a provincial or local division of the Supreme Court shall, within its area of jurisdiction, have jurisdiction in respect of the following additional matters, namely:

(a) any alleged violation or threatened violation of any fundamental right entrenched in Chapter 3;

(b) any dispute over the constitutionality of any executive or administrative act or conduct or threatened executive or administrative act or conduct of any organ of state;

(c) any inquiry into the constitutionality of any law applicable within its area of jurisdiction, other than an Act of Parliament, irrespective of whether such law was passed or made before or after the commencement of this Constitution;

(d) any dispute of a constitutional nature between local governments or between a local and a provincial government;

(e) any dispute over the constitutionality of a Bill before a provincial legislature, subject to Section 98 (9);

(f) the determination of questions whether any matter falls within its jurisdiction; and

(g) the determination of any other matters as may be entrusted to it by an Act of Parliament.

(4) For the purposes of exercising its jurisdiction under Subsection (3), a provincial or local division of the Supreme Court shall have the powers of the Constitutional Court in terms of Section 98 (5), (6), (7), (8) and (9) relating to the interpretation, protection and enforcement of this Constitution.

(5) The Appellate Division shall have no jurisdiction to adjudicate any matter within the jurisdiction of the Constitutional Court.

(6) If the parties to a matter falling outside the additional jurisdiction of a provincial or local division of the Supreme Court in terms of Subsection (3), agree thereto, a provincial or local division shall, notwithstanding any provision to the contrary, have jurisdiction to determine such matter: Provided that a provincial or local division shall not acquire jurisdiction in terms of this subsection with regard to any matter referred to in Section 102 (12).

[...]

Page 136-40; CHAPTER 15: GENERAL AND TRANSITIONAL PROVISIONS; 241 Transitional arrangements: Judiciary

(1) Every court of law existing immediately before the commencement of this Constitution in an area which forms part of the national territory, shall be deemed to have been duly constituted in terms of this Constitution or the laws in force after such commencement, and shall continue to function as such in accordance with the laws applicable to it until changed by a competent authority.

[...]

(2) The Chief Justice of South Africa, the judges-president and deputy judges-president of the various divisions of the Supreme Court of South Africa, the judges of appeal of the Appellate Division of the said Supreme Court, and the other judges of the said Supreme Court, holding office immediately before the commencement of this Constitution, shall be deemed to have been duly appointed to the corresponding positions in terms of Chapter 7 and shall continue to hold office in accordance with the applicable laws.

(3) All other judicial officers holding office immediately before the commencement of this Constitution in terms of a law, shall continue to hold such office in accordance with such law.

(4) Every attorney-general holding office immediately before the commencement of this Constitution in terms of a law, shall continue to hold such office in accordance with such law.

(5) Subject to this Constitution, all measures which immediately before the commencement of this Constitution were in operation and applied to judicial officers and attorneys-general, including measures regarding the remuneration, pension and pension benefits, leave gratuity and any other term and condition of service, shall continue in operation and to apply to the said judicial officers and attorneys-general, until amended or repealed by a competent authority: Provided that no such measure shall, except in accordance with an applicable law, be changed in a manner which affects such judicial officers and attorneys-general to their detriment.

(6) The provisions of Section 236 (5) and (6) shall apply mutatis mutandis in respect of persons referred to in Subsections (3) and (4) of this section.

(7) Persons referred to in Subsections (2), (3) and (4) shall within 30 days of the election of the President in terms of Section 77 (1)(a) make and subscribe an oath or solemn affirmation in the terms set out in Schedule 3 before the Chief Justice or a judge of the Supreme Court designated by the Chief Justice for this purpose, or, in the case of a person continuing in office or appointed as the Chief Justice or the President of the Constitutional Court, before the President.

(8) All proceedings which immediately before the commencement of this Constitution were pending before any court of law, including any tribunal or reviewing authority established by or under law, exercising jurisdiction in accordance with the law then in force, shall be dealt with as if this Constitution had not been passed: Provided that if an appeal in such proceedings is noted or review proceedings with regard thereto are instituted after such commencement such proceedings shall be brought before the court having jurisdiction under this Constitution.

(9) Any legal proceedings instituted before or after the commencement of this Constitution by or against a government, authority or functionary which ceased to exist at or after such commencement, may be continued by or against the relevant government, authority or functionary which superseded the said government, authority or functionary.

(10) The laws and other measures which immediately before the commencement of this Constitution regulated the jurisdiction of courts of law, court procedures, the power and authority of judicial officers and all other matters pertaining to the establishment and functioning of courts of law, shall continue in force subject to any amendment or repeal thereof by a competent authority.

**Page 140; CHAPTER 15: GENERAL AND TRANSITIONAL PROVISIONS;
242 Rationalization of court structures**

(1) All jurisdictional areas and court structures appropriate thereto existing immediately before the commencement of this Constitution, shall as soon as possible after such commencement be rationalized in accordance with an Act of Parliament with a view to establishing the jurisdictional areas and court structures contemplated in Chapter 7.

(2) The rationalization of the jurisdictional areas and court structures referred to in Subsection (1) shall be the responsibility of the national government after consultation with the Judicial Service Commission.

(3) The rationalization contemplated in Subsection (1) includes:

(a) the amendment, repeal or replacement of any law regulating the establishment, functions, jurisdiction and other matters relating to a court referred to in Section 241 (1), or of any law referred to in Section 241 (2), or of any law which deals with any of the foregoing matters in a consequential manner: Provided that if a law referred to in Section 241 (2) is repealed, provision shall be made for the application of any law of general application regulating the service of judicial officers or any class of judicial officers, to the judicial officers or class of judicial officers affected by such repeal; and

(b) measures relating to the transfer or secondment of judicial officers, or the allocation of property, including court and administrative records, in order to establish the said jurisdictional areas or court structures.

Page 140-41; CHAPTER 15: GENERAL AND TRANSITIONAL PROVISIONS; 243 Transitional arrangements: Ombudsman

(1) A person who immediately before the commencement of this Constitution was-

(a) the Ombudsman in terms of the Ombudsman Act, 1979 (Act 118 of 1979), shall continue to hold office and to exercise and perform the powers and functions of the Ombudsman in accordance with the said Act until the Public Protector has been appointed under section 110 and has assumed office;

(b) an assistant to the Ombudsman, shall continue as such until the Public Protector has been appointed and has assumed office, whereupon such person shall be deemed to have been appointed under section 113; or

(c) an ombudsman in terms of a law of an area which forms part of the national territory (other than the Ombudsman referred to in paragraph (a)), or in the employ of such an ombudsman, shall continue in such office or employment in accordance with the law which regulated such office or employment, until the office of such ombudsman is abolished or such ombudsman or person is appointed as, or to the office of, a provincial public protector contemplated in section 114. (2) Section 236 (4), (5) and (6) shall apply mutatis mutandis to a person referred to in subsection (1) (c).

Page 77; CHAPTER 9: PROVINCIAL GOVERNMENT; Section 143 Administration of provincial legislatures

[...]

Page 92; CHAPTER 9: PROVINCIAL GOVERNMENT; Section 172 Appointment of staff

[...]

Page 110-14; CHAPTER 13: PUBLIC SERVICE COMMISSION AND PUBLIC SERVICE

[...]

Page 131-37; CHAPTER 15: GENERAL AND TRANSITIONAL PROVISIONS

Section 236 Transitional arrangements: Public administration

[...]

Section 237 Rationalization of public administration

[...]

Section 238 Transitional arrangements: Public service commissions

[...]

Section 239 Transitional arrangements: Assets and liabilities

[...]

Page 119-22; CHAPTER 14: SOUTH AFRICAN POLICE SERVICE

224 Establishment of National Defence Force

(1) The National Defence Force is hereby established as the only defence force for the Republic.

(2) The National Defence Force shall at its establishment consist of all members of:

(a) the South African Defence Force;

(b) any defence force of any area forming part of the national territory; and

(c) any armed force as defined in Section 1 of the Transitional Executive Council Act, 1993 (Act 151 of 1993), and whose names, at the commencement

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Military Reform

of this Constitution, are included in a certified personnel register referred to in Section 16 (3) or (9) of the said Act: Provided that this subsection shall not apply to members of any such defence or armed force if the political organization under whose authority and control it stands or with which it is associated and whose objectives it promotes did not take part in the first election of the National Assembly and the provincial legislatures under this Constitution.

(3) Save for the National Defence Force, no other armed force or military force or armed organization or service may be established in or for the Republic other than:

- (a) as provided for in this Constitution;
- (b) a force established by or under an Act of Parliament for the protection of public property or the environment; or
- (c) a service established by or under law for the protection of persons or property.

225 Chief of National Defence Force

Subject to Section 236 (1) and (2), the President shall appoint a Chief of the National Defence Force, who shall exercise military executive command of the National Defence Force, subject to the directions of the Minister responsible for defence and, during a state of national defence, of the President.

226 Members of National Defence Force

(1) The National Defence Force shall comprise both a permanent force and a part-time reserve component.

(2) The establishment, organization, training, conditions of service and other matters concerning the permanent force shall be as provided for by an Act of Parliament.

(3) The establishment, organization, training, state of preparedness, calling up, obligations and conditions of service of the part-time reserve component shall be as provided for by an Act of Parliament.

(4) The National Defence Force shall be established in such a manner that it will provide a balanced, modern and technologically advanced military force, capable of executing its functions in terms of this Constitution.

(5) All members of the National Defence Force shall be properly trained in order to comply with international standards of competency.

(6) No member of the permanent force shall hold office in any political party or political organization.

(7) A member of the National Defence Force shall be obliged to comply with all lawful orders, but shall be entitled to refuse to execute any order if the execution of such order would constitute an offence or would breach international law on armed conflict binding on the Republic.

(8) Provision shall be made by an Act of Parliament for the payment of adequate compensation to:

- (a) a member of the National Defence Force who suffers loss due to physical or mental disability sustained in the execution of his or her duties as such a member; and
- (b) the immediate dependants of a member of the National Defence Force who suffer loss due to the death or physical or mental disability of such a member resulting from the execution of his or her duties as such a member.

227 Functions of National Defence Force

(1) The National Defence Force may, subject to this Constitution, be employed:

- (a) for service in the defence of the Republic, for the protection of its sovereignty and territorial integrity;
- (b) for service in compliance with the international obligations of the Republic with regard to international bodies and other states;

- (c) for service in the preservation of life, health or property;
- (d) for service in the provision or maintenance of essential services;
- (e) for service in the upholding of law and order in the Republic in co-operation with the South African Police Service under circumstances set out in a law where the said Police Service is unable to maintain law and order on its own; and
- (f) for service in support of any department of state for the purpose of socio-economic upliftment.

(2) The National Defence Force shall:

- (a) exercise its powers and perform its functions solely in the national interest by:
 - (i) upholding the Constitution;
 - (ii) providing for the defence of the Republic; and
 - (iii) ensuring the protection of the inhabitants of the Republic, in accordance with this Constitution and any law;
- (b) exercise its powers and perform its functions under the directions of the government of the Republic;
- (c) refrain from furthering or prejudicing party-political interests;
- (d) not breach international customary law binding on the Republic relating to aggression;
- (e) in armed conflict comply with its obligations under international customary law and treaties binding on the Republic; and
- (f) be primarily defensive in the exercise or performance of its powers and functions.

(3) The employment for service, training, organization and deployment of the National Defence Force shall be effected in accordance with the requirements of Subsection (2).

228 Accountability

(1) The Minister responsible for defence shall be accountable to Parliament for the National Defence Force.

(2) Parliament shall annually approve a budget for the defence of the Republic.

(3)(a) A joint standing committee of Parliament on defence shall be established, consisting of members of all political parties holding more than 10 seats in the National Assembly and willing to participate in the committee.

(b) The total membership of the committee shall be as determined by or under the rules and orders.

(c) Such a party shall be entitled to designate a member or members on the committee in accordance with the principle of proportional representation and as determined in accordance with the following formula:

(i) A quota of seats per member of the committee shall be determined by dividing the total number of seats in the National Assembly held jointly by all the parties referred to in Paragraph (a) by the total number of members of the committee plus one.

(ii) The result, disregarding third and subsequent decimals, if any, shall be the quota of seats per member.

(iii) The number of members that a participating party shall be entitled to designate on the committee, shall be determined by dividing the total number of seats held by such party in the National Assembly by the quota referred to in Subparagraph (ii).

(iv) The result shall, subject to Subparagraph (v), indicate the number of members that such party is entitled to designate on the committee.

(v) Where the application of the above formula yields a surplus not absorbed by the number of members allocated to a party, such surplus shall compete with other similar surpluses accruing to another party or parties, and any member or members which remain unallocated shall be allocated to the party or parties concerned in sequence of the highest surplus.

(d) The committee shall be competent to investigate and make recommendations regarding the budget, functioning, organization, armaments, policy, morale and state of preparedness of the National Defence Force and to perform such other functions relating to parliamentary supervision of the Force as may be prescribed by law.

(4)(a) The President shall, when the National Defence Force is employed for service referred to in Section 227 (1)(a), (b) or (e), forthwith inform Parliament of the reasons for such employment.

(b) If, in the case of such an employment referred to in Section 227 (1)(a) or (b), Parliament is not sitting, the President shall summon the joint standing committee referred to in Subsection (3) to meet expeditiously, but not later than 14 days after the commencement of such employment, and shall inform the committee of the reasons for such employment.

(5) Parliament may by resolution terminate any employment referred to in Section 227 (1)(a), (b) or (e), but such termination of employment shall not affect the validity of anything done in terms of such employment up to the date of such termination, or any right, privilege, obligation or liability acquired, accrued or incurred as at the said date under and by virtue of such employment.

**Page 131; CHAPTER 15 GENERAL AND TRANSITIONAL PROVISIONS;
236 Transitional arrangements: Public administration**

(8)(a) The National Defence Force referred to in Section 224 shall, subject to this Constitution and any Act of Parliament, mutatis mutandis be governed by the Defence Act, 1957 (Act 44 of 1957).

(b) Any reference in any law to a defence force referred to in Section 224 (2)(a) or (b), shall be deemed to be a reference to the National Defence Force.

(c) If the number of the members of the National Defence Force exceeds the personnel strength determined in respect of the force design and structure for the Force, any member of the Force who, due to integration, consolidation and rationalization of the National Defence Force is not accommodated in such force design and structure, shall be dealt with in accordance with a law.

(d) The continuance of membership of members of the National Defence Force referred to in Section 224 (2)(c) shall be subject to such members entering into an agreement for temporary or permanent appointment with the National Defence Force within a reasonable time: Provided that such agreements shall be in accordance with normal employment policies and terms and conditions of service.

**Page 131; CHAPTER 15 GENERAL AND TRANSITIONAL PROVISIONS;
237 Rationalization of public administration**

(1) (b) All military forces referred to in Section 224 (2) shall be rationalized for the purposes of the National Defence Force.

**Page 114-18; CHAPTER 14: SOUTH AFRICAN POLICE SERVICE; 214
Establishment**

(1) There shall be established and regulated by an Act of Parliament a South African Police Service, which shall be structured at both national and provincial levels and shall function under the direction of the national government as well as the various provincial governments.

(2) The Act of Parliament referred to in Subsection (1) shall:

(a) subject to Sections 216, 217 and 218, provide for the appointment of a Commissioner of the South African Police Service (hereinafter in this Chapter called the 'National Commissioner') and a Commissioner for each province (hereinafter in this Chapter called a 'Provincial Commissioner');

(b) provide for the establishment and maintenance of uniform standards of policing at all levels regarding:

(i) the exercise of police powers;

(ii) the recruitment, appointment, promotion and transfer of members of the Service;

(iii) suspension, dismissal, disciplinary and grievance procedures;

(iv) the training, conduct and conditions of service of members of the Service;

(v) the general management, control, maintenance and provisioning of the Service;

(vi) returns, registers, records, documents, forms and correspondence; and

(vii) generally, all matters which are necessary or expedient for the achievement of the purposes of this Constitution.

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Police Reform

215 Powers and functions

The powers and functions of the Service shall be:

- (a) the prevention of crime;
- (b) the investigation of any offence or alleged offence;
- (c) the maintenance of law and order; and
- (d) the preservation of the internal security of the Republic.

216 Minister and National Commissioner

[...]

217 Powers of provinces

[...]

218 Responsibilities of National Commissioner

[...]

219 Provincial Commissioners

[...]

220 Co-ordination and co-operation

[...]

221 Local policing

[...]

222 Independent complaints mechanism

[...]

223 Acts of members outside their territorial jurisdiction

[...]

Page 129; CHAPTER 15 GENERAL AND TRANSITIONAL PROVISIONS; 235 Transitional arrangements: Executive authorities

(8) ... (c) In regard to any policing power the President may only make that assignment effective upon the rationalization of the police service as contemplated in Section 237: Provided that such assignment to a province may be made where such rationalization has been completed in such a province.

Page 130-31; CHAPTER 15 GENERAL AND TRANSITIONAL PROVISIONS; 236 Transitional arrangements: Public administration

(1) A public service, department of state (including a police force), administration, military force as defined in Section 224 (2)(a) or (b) or other institution (excluding any local government) which immediately before the commencement of this Constitution performed governmental functions under the control of an authority referred to in Section 235 (1)(a), (b) or (c), shall, subject to Subsection (7), continue to function as such in accordance with the laws applicable to it until it is, as the case may be, abolished or incorporated or integrated into any appropriate institution or is rationalized as contemplated in any other Chapter, consolidated with any other institution or otherwise rationalized as contemplated in Section 237, as the case may be: Provided that a military force referred to in this subsection shall not be employed for service referred to in Section 227 (1)(a), (b) or (e) otherwise than by the President and shall only be used for such service by the authority referred to in Section 225 in accordance with Section 227 (2).

[...]

(7)(a) At the commencement of this Constitution the South African Police existing in terms of the Police Act, 1958 (Act 7 of 1958), and all other police forces established by law shall be deemed to constitute the South African Police Service referred to in Section 214, and any reference to the South African Police or any such force in the said Act or law shall be deemed to be a reference to the said Service.

(b) Any reference in any law to the South African Police or any other police force (excluding a municipal police service) shall, unless the context indicates otherwise, be construed as a reference to the said South African Police Service.

Page 132-33; CHAPTER 15 GENERAL AND TRANSITIONAL PROVISIONS; 237 Rationalization of public administration

(2)(a) The responsibility for the rationalization of:

(i) institutions referred to in Section 236 (1), excluding military forces, shall primarily but not exclusively rest with the national government, which shall exercise such responsibility in co-operation with the provincial governments and the Commission on Provincial Government, and with due regard to the advice of the Public Service Commission: Provided that in the case of policing services, the national government shall exercise such responsibility in co-operation with the committee referred to in Section 220 (1) and the Board of Commissioners referred to in Section 220 (2); and

(b) Subject to Section 235 (6), (7), (8) and (9), the responsibility for the internal rationalization of an administration referred to in Subsection (1)(a)(ii) shall primarily rest with the relevant provincial government, with due regard to the advice of the Public Service Commission and any relevant provincial service commission: Provided that the rationalization of all police forces shall be dealt with in accordance with Paragraph (a)(i).

(3)(b) Without derogating from the generality of Paragraph (a), the steps referred to in that paragraph may include:

[...] (ii) measures relating to the transfer or secondment of personnel, or the allocation of property, funds, rights and obligations, including administrative records, in order to establish the administrations referred to in Subsection (2) and rationalize the South African Police Service and the National Defence Force.

Page 135; CHAPTER 15 GENERAL AND TRANSITIONAL PROVISIONS; 239 Transitional arrangements: Assets and liabilities

(1) (f) All assets under the control of a police force shall vest in the South African Police Service.

Page 13; CHAPTER 3: FUNDAMENTAL RIGHTS; 32 Education

Every person shall have the right-

(a) to basic education and to equal access to educational institutions;

(b) to instruction in the language of his or her choice where this is reasonably practicable; and

(c) to establish, where practicable, educational institutions based on a common culture, language or religion, provided that there shall be no discrimination on the ground of race.

tr_edu

Education Reform

Page 143; CHAPTER 15 GENERAL AND TRANSITIONAL PROVISIONS; 247 Special provisions regarding existing educational institutions

(1) The national government and the provincial governments as provided for in this Constitution shall not alter the rights, powers and functions of the governing bodies, management councils or similar authorities of departmental, community-managed or state-aided primary or secondary schools under laws existing immediately before the commencement of this Constitution unless an agreement resulting from bona fide negotiation has been reached with such bodies and reasonable notice of any proposed alteration has been given.

(2) The national government shall not alter the rights, powers and functions of the controlling bodies of universities and technikons under laws existing

	<p>immediately before the commencement of this Constitution, unless agreement resulting from bona fide negotiation has been reached with such bodies, and reasonable notice of any proposed alteration has been given.</p> <p>(3) Should agreement not be reached in terms of subsection (1) or (2), the national government and the provincial governments shall, subject to the other provisions of this Constitution, not be precluded from altering the rights, powers and functions of the governing bodies, management councils or similar authorities of departmental, community-managed or state-aided primary or secondary schools, as well as the controlling bodies of universities and technikons, provided that interested persons and bodies shall be entitled to challenge the validity of any such alteration in terms of this Constitution.</p> <p>(4) In order to ensure an acceptable quality of education, the responsible government shall provide funds to departmental, community-managed or state-aided primary or secondary schools on an equitable basis.</p>
<p>tr_med Media Reform</p>	<p>Page 10; Chapter 3: FUNDAMENTAL RIGHTS; Section 15: Freedom of expression</p> <p>(1) Every person shall have the right to freedom of speech and expression, which shall include freedom of the press and other media, and the freedom of artistic creativity and scientific research.</p> <p>(2) All media financed by or under the control of the state shall be regulated in a manner which ensures impartiality and the expression of a diversity of opinion.</p> <p>Page 146; Chapter 15: General and Transitional Provisions; Section 250: Non-certification of election by Independent Electoral Commission</p> <p>(2) [...] (c) no amendment by a Parliament established on the basis of a declaration in terms of Subsection (1)(a), of this Constitution, the Independent Electoral Commission Act, 1993, the Electoral Act, 1993, the Independent Media Commission Act, 1993, or the Independent Broadcasting Authority Act, 1993, shall be permissible until the election contemplated in Paragraph (a) has been certified as substantially free and fair in terms of the Independent Electoral Commission Act, 1993; and</p> <p>(3) If the Independent Electoral Commission declares as contemplated in Subsection (1)(b): [...] (b) the constitutional arrangements under the Republic of South Africa Constitution Act, 1983 (Act 110 of 1983), the Transitional Executive Council Act, 1993, the Independent Electoral Commission Act, 1993, the Electoral Act, 1993, the Independent Media Commission Act, 1993, and the Independent Broadcasting Authority Act, 1993, shall apply, until the election referred to in Paragraph (a) has been held.</p>
<p>tr_ddr Demobilization, Disarmament & Reintegration</p>	<p>Page 131; CHAPTER 15: GENERAL AND TRANSITIONAL PROVISIONS; 236. Transitional arrangements: Public administration</p> <p>8. (a) The National Defence Force referred to in section 224 shall, subject to this Constitution and any Act of Parliament, mutatis mutandis be governed by the Defence Act, 1957 (Act 44 of 1957).</p> <p>(b) Any reference in any law to a defence force referred to in section 224 (2) (a) or (b), shall be deemed to be a reference to the National Defence Force.</p> <p>(c) If the number of the members of the National Defence Force exceeds the personnel strength determined in respect of the force design and structure for the Force, any member of the Force who, due to integration, consolidation and rationalisation of the National Defence Force is not accommodated in such force design and structure, shall be dealt with in accordance with a law.</p> <p>[The demobilization and reintegration aspect of peace process were left to the interim government and the interim parliament. See, 1996 Demobilization Act]</p>

tr_dit

Transitional
Timeline

Page 6; CHAPTER 2: CITIZENSHIP AND FRANCHISE; 6 The franchise

(c) not subject to any disqualifications as may be prescribed by law, shall be entitled to vote in elections of the National Assembly, a provincial legislature or a local government and in referenda or plebiscites contemplated in this Constitution, in accordance with and subject to the laws regulating such elections, referenda and plebiscites.

Page 18; CHAPTER 4: PARLIAMENT; 39 Elections

(1) Upon a dissolution of Parliament in terms of Section 73 (9) or 93 (1) or (3)(c), the President shall by proclamation in the Gazette:

(a) call an election of the National Assembly, which election shall take place within 90 days after the dissolution of Parliament on a date or dates specified in the proclamation; and

(b) request parties represented in the provincial legislatures to nominate persons as senators for the respective provinces in accordance with Section 48 (1)(b).

(2) An election referred to in Subsection (1)(a) shall be held in accordance with the Electoral Act, 1993.

Page 35-36; CHAPTER 6: THE NATIONAL EXECUTIVE; 77 Election of President

tr_epr

Electoral & Political
Party Reform

(1)(a) The National Assembly shall at its first sitting after it has been convened in terms of Section 46 (2) elect one of its members as the President.

(b) The National Assembly and the Senate shall thereafter, as often as it again becomes necessary to elect a President, elect at a joint sitting one of the members of the National Assembly as the President.

(2)(a) The Chief Justice, or a judge of the Supreme Court designated by the Chief Justice for this purpose, shall preside over any sitting at which an election referred to in Subsection (1) takes place.

(b) An election referred to in Subsection (1) shall be conducted in accordance with Schedule 5.

(3) The election of a President in terms of Subsection (1)(b) shall take place at a time and on a date fixed by the Chief Justice: Provided that:

(a) if such an election of a President is occasioned by reason of a dissolution of Parliament, it shall take place within 10 days after the Senate was convened after the election of the National Assembly held in pursuance of such dissolution; or

(b) if such an election of a President is occasioned by reason of a vacancy in the office of President, it shall take place within 30 days after the vacancy arose.

(4) On being elected, the President shall vacate his or her seat in the National Assembly.

(5) During the period in which the President continues in office in terms of Section 80 (1)(b), he or she shall for the purposes of Section 42 (1)(e) be deemed not to hold an office of profit under the Republic.

Page 73; CHAPTER 9: PROVINCIAL GOVERNMENT; 129 Elections

(1) If a provincial legislature is dissolved in terms of Section 128 (1), 154 (1) or (3)(c) or 162, the Premier of the province shall upon such dissolution, by proclamation in the Provincial Gazette call an election of such legislature, which election shall take place within 90 days after the dissolution of the legislature on a date or dates specified in the proclamation.

(2) An election referred to in Subsection (1), shall be conducted in accordance with the Electoral Act, 1993.

Page 94-95; CHAPTER 10: LOCAL GOVERNMENT; 179 Elections

(1) A local government shall be elected democratically, and such election shall take place in terms of an applicable law and at intervals of not less than three and not more than five years: Provided that the first local government elections after the commencement of this Constitution shall take place on the same day.

(2) The electoral system for a local government shall include both proportional and ward representation and shall be regulated by a law referred to in Subsection (1).

(3) Subject to Section 6, every natural person shall be entitled to vote in an election of a local government if he or she:

(a) is ordinarily resident within the area of jurisdiction of that local government or is under law liable for the payment of property rates, rent, service charges or levies to that local government; and

(b) is registered as a voter on the voters' role of that local government.

(4) A voter shall not have more than one vote per local government.

(5) No person shall be qualified to become or remain a member of a local government if he or she:

(a) is not eligible to vote in terms of Subsection (3);

(b) is a member of the National Assembly or the Senate;

(c) is not qualified to become a member of the National Assembly;

(d) is an employee of a local government (unless, with due regard to the public interest, exemption of this disqualification is given by the Executive Council of the province in which the local government is situated and proof of such exemption accompanies the nomination of such person); or

(e) is disqualified in terms of any other law.

Page 124; CHAPTER 15 GENERAL AND TRANSITIONAL PROVISIONS; 232 Interpretation

(5)(a) Notwithstanding the provisions of the Independent Electoral Commission Act, 1993 (Act 150 of 1993), the President may at any time after the dissolution of the Independent Electoral Commission in terms of section 9 of that Act, by proclamation in the Gazette, reconvene the Commission for the purposes of a referendum or election referred to in Section 124.

(b) If any person who before its dissolution was a member of the Commission, cannot or is unwilling to serve as a member after it has been reconvened under Paragraph (a), Parliament may, by resolution adopted at a joint sitting of the National Assembly and the Senate by a majority of at least two-thirds of the total number of members of both Houses, appoint any suitably qualified person to replace any such member.

Page 143-44; CHAPTER 15 GENERAL AND TRANSITIONAL PROVISIONS; 249 First election of National Assembly

(1) Notwithstanding the fact that Chapter 4 may not yet be in force, the State President may, by proclamation in the Gazette, call an election in terms of the Electoral Act, 1993, for the election of the members of the National Assembly.

(2) Such election shall be conducted in accordance with Schedule 2 and the Electoral Act, 1993.

(3) This section shall come into operation on the date of promulgation of this Constitution.

**Page 145; CHAPTER 15 GENERAL AND TRANSITIONAL PROVISIONS;
250 Non-certification of election by Independent Electoral Commission**

(1) If in the application of Section 18 of the Independent Electoral Commission Act, 1993, the Independent Electoral Commission declares that it is unable to certify that any election referred to in that section was substantially free and fair, the Commission shall declare that either:

- (a) it is able to determine a result based on the votes which could be counted; or
- (b) it is unable to determine any result.

(2) If the Independent Electoral Commission declares as contemplated in Subsection (1)(a):

(a) a new election shall be held for the National Assembly and the provincial legislatures or a relevant provincial legislature, as the case may be, *mutatis mutandis* in accordance with this Constitution and the Electoral Act, 1993, as soon as practicable but in any event not later than 12 months after the date of the election in question: Provided that any reference to the Transitional Executive Council in the said Act shall be deemed to be a reference to Parliament;

(b) Parliament and the provincial legislatures or a provincial legislature, as the case may be, shall be established on the basis of the result determined in terms of Subsection (1)(a): Provided that no provincial legislature shall be established unless the National Assembly is established;

(c) no amendment by a Parliament established on the basis of a declaration in terms of Subsection (1)(a), of this Constitution, the Independent Electoral Commission Act, 1993, the Electoral Act, 1993, the Independent Media Commission Act, 1993, or the Independent Broadcasting Authority Act, 1993, shall be permissible until the election contemplated in Paragraph (a) has been certified as substantially free and fair in terms of the Independent Electoral Commission Act, 1993; and

(d) any provincial legislature established on the basis of a declaration in terms of Subsection (1)(a), shall have no legislative competence save for the enactment of laws necessary for the appropriation of revenue or moneys, or the imposition of taxation within the framework of Section 126, until the election contemplated in Paragraph (a) has been certified as substantially free and fair in terms of the Independent Electoral Commission Act, 1993.

(3) If the Independent Electoral Commission declares as contemplated in Subsection (1)(b):

(a) a new election shall be held for the National Assembly and the provincial legislatures, or a relevant provincial legislature, as the case may be, in accordance with this Constitution and the Electoral Act, 1993, as soon as practicable, but in any event not later than within 10 weeks after the date of the election in question: Provided that a new election for the National Assembly and the provincial legislatures shall be held simultaneously; and

(b) the constitutional arrangements under the Republic of South Africa Constitution Act, 1983 (Act 110 of 1983), the Transitional Executive Council Act, 1993, the Independent Electoral Commission Act, 1993, the Electoral Act, 1993, the Independent Media Commission Act, 1993, and the Independent Broadcasting Authority Act, 1993, shall apply, until the election referred to in Paragraph (a) has been held.

(4) Notwithstanding the provisions of any other law, the Independent Electoral Commission shall continue to exist for the purposes set out in this section and the Commission shall exercise its function contemplated in Section 18 of the Independent Electoral Commission Act, 1993, with reference to an election referred to in this section: Provided that Section 232 (5)(b) shall apply *mutatis mutandis* in respect of the replacement of members of the Commission.

tr_dev

Socio-Economic
Development

Page 13; CHAPTER 3: FUNDAMENTAL RIGHTS; 26 Economic activity

(1) Every person shall have the right freely to engage in economic activity and to pursue a livelihood anywhere in the national territory.

(2) Subsection (1) shall not preclude measures designed to promote the protection or the improvement of the quality of life, economic growth, human development, social justice, basic conditions of employment, fair labour practices or equal opportunity for all, provided such measures are justifiable in an open and democratic society based on freedom and equality.

Page 62; CHAPTER 8: THE PUBLIC PROTECTOR, HUMAN RIGHTS COMMISSION, COMMISSION ON GENDER ISSUES AND RESTITUTION OF LAND RIGHTS; Commission on Gender Equality

119 Establishment

(1) There shall be a Commission on Gender Equality, which shall consist of a chairperson and such number of members as may be determined by an Act of Parliament.

(2) The Commission shall consist of persons who are fit and proper for appointment, South African citizens and broadly representative of the South African community.

(3) The object of the Commission shall be to promote gender equality and to advise and to make recommendations to Parliament or any other legislature with regard to any laws or proposed legislation which affects gender equality and the status of women.

120 Composition and functioning

The Act of Parliament referred to in section 119 shall provide for the composition, powers, functions and functioning of the Commission on Gender Equality and for all other matters in connection therewith. [S. 120 amended by s. 9 of Act 13 of 1994.]

Page 64-65; CHAPTER 8: THE PUBLIC PROTECTOR, HUMAN RIGHTS COMMISSION, COMMISSION ON GENDER ISSUES AND RESTITUTION OF LAND RIGHTS; Restitution of Land Rights
[...]

Page 72; CHAPTER 9: PROVINCIAL GOVERNMENT; Section 126
Legislative competence of provinces

(2) [...]

(d) it is necessary for the determination of national economic policies, the maintenance of economic unity, the protection of the environment, the promotion of inter-provincial commerce, the protection of the common market in respect of the mobility of goods, services, capital or labor, or the maintenance of national security; or

Page 85; CHAPTER 9: PROVINCIAL GOVERNMENT; Section 156
Levying of taxes by provinces

(2) A provincial legislature shall not be entitled to levy taxes detrimentally affecting national economic policies, inter-provincial commerce or the national mobility of goods, services, capital and labor.

Page 93; CHAPTER 10: LOCAL GOVERNMENT; Section 175 Powers and functions of local government

(3) A local government shall, to the extent determined in any applicable law, make provision for access by all persons residing within its area of jurisdiction to water, sanitation, transportation facilities, electricity, primary health services, education, housing and security within a safe and healthy environment, provided that such services and amenities can be rendered in a sustainable manner and are financially and physically practicable.

tr_cul	Cultural Heritage/ Protections	<p>Page 4-5; CHAPTER 1: CONSTITUENT AND FORMAL PROVISIONS; 3 Languages [...]</p> <p>Page 13; CHAPTER 3: FUNDAMENTAL RIGHTS; 31 Language and culture</p> <p>Every person shall have the right to use the language and to participate in the cultural life of his or her choice.</p> <p>Page 88; CHAPTER 9 PROVINCIAL GOVERNMENT; Commission on Provincial Government; 164 Object and functions of Commission</p> <p>(3) In carrying out its functions the Commission shall, inter alia, take into consideration: (k) cultural and language realities.</p> <p>Page 176; Schedule 4: CONSTITUTIONAL PRINCIPLES; Article XI:</p> <p>The diversity of language and culture shall be acknowledged and protected, and conditions for their promotion shall be encouraged.</p>
tr_fin	Financial Arrangements	<p>Page 84; CHAPTER 9: PROVINCIAL GOVERNMENT; 156 Levying of taxes by provinces</p> <p>(1) A province may levy taxes, surcharges or levies other than of a kind referred to in Section 155 (2)(a) or (b), provided that: (a) it is authorized to do so by an Act of Parliament passed after recommendations of the Financial and Fiscal Commission on the draft text of any such Act have been submitted to and considered by Parliament; and (b) there is no discrimination against non-residents of that province who are South African citizens.</p> <p>(2) A provincial legislature shall not be entitled to levy taxes detrimentally affecting national economic policies, inter-provincial commerce or the national mobility of goods, services, capital and labor.</p> <p>(3) A provincial legislature shall be competent to enact legislation authorizing the imposition of user charges: Provided that: (a) the criteria to be taken into account in raising such charges may be regulated by an Act of Parliament passed after recommendations of the Financial and Fiscal Commission relating to the draft text of any such Act have been submitted to and considered by Parliament; and (b) they do not discriminate against non-residents of that province who are South African citizens.</p> <p>Page 83; CHAPTER 9: PROVINCIAL GOVERNMENT; 155 Provinces' share of revenue collected nationally</p> <p>(1) A province shall be entitled to an equitable share of revenue collected nationally to enable it to provide services and to exercise and perform its powers and functions.</p> <p>(2) The equitable share of revenue referred to in Subsection (1) shall consist of: (a) a percentage, as fixed by an Act of Parliament, of income tax on individuals which is collected within the province; (b) a percentage, as fixed by an Act of Parliament, of value-added tax or other sales tax which is collected within the province; and (c) other conditional or unconditional allocations out of national revenue to a province.</p> <p>(3) The percentages referred to in Subsection (2)(a) and (b) shall be fixed reasonably after taking into account the national interest and recommendations of the Financial and Fiscal Commission.</p>

(4) Allocations referred to in Subsection (2)(c) shall be determined in accordance with an Act of Parliament, with due regard to the national interest and after taking into account:

(a) the provision that has to be made for interest and other payments in respect of the national debt; and

(b) the different fiscal capacities, including the revenues derived from sources referred to in Subsection (2)(a) and (b), fiscal performances, efficiency of utilization of revenue, needs and economic disparities within and between provinces, as well as the developmental needs, administrative responsibilities and other legitimate interests of the provinces, and any other objective criteria identified by the Financial and Fiscal Commission; and

(c) the legitimate needs and interests of the national government; and (d) the recommendations of the Financial and Fiscal Commission.

Page 100-104; CHAPTER 12: FINANCE; General Financial Affairs

185 National Revenue Fund

[...]

186 Annual budget

[...]

187 Procurement administration

[...]

188 Guarantees by national government

[...]

189 Special pensions

[...]

190 Income tax of elected representatives

[...]

190A Pensions of political office-bearers

[...]

191 Establishment and appointment

[...]

192 Independence and impartiality

[...]

193 Powers and functions

[...]

194 Staff and expenditure

[...]

Page 105; CHAPTER 12: FINANCE; South African Reserve Bank

[...]

195 Central Bank

[...]

196 Primary objectives

[...]

197 Powers and functions

[...]

Page 105-107; CHAPTER 12: FINANCE; Financial and Fiscal Commission; 198 Establishment

[...]

199 Objects and functions

[...]

200 Constitution, expertise and impartiality

[...]

201 Meetings of Commission

[...]

202 Committees

[...]

203 Co-option of persons by committees

[...]

204 Remuneration and allowances of members and other persons

[...]

205 Appointment of staff

[...]

206 Regulations

[...]

Page 108; CHAPTER 12: FINANCE; Commission on Remuneration of Representatives

207 Establishment

[...]

208 Composition and functioning

[...]

Page 136; CHAPTER 15: GENERAL AND TRANSITIONAL PROVISIONS; 240 Transitional arrangements: State Revenue Fund

[...]

tj_dsm

Dispute Settlement
Mechanisms

ia_ver

Verification &
Monitoring
Mechanism

ia_pko

Peacekeeping

ia_adv

International
Assistance &
Advice

LUSAKA PROTOCOL

Page 26; ANNEX 6, AGENDA ITEM II.4: NATIONAL RECONCILIATION; I. GENERAL PRINCIPLES

4. National Reconciliation implies:

[...]

(c) That, in the pursuit of national interest, UNITA members participate adequately at all levels and in the various institutions of political, administrative and economic activity.

[...]

(d) That, in accordance with Article 54(d) and (e) and Article 89(c) and (d) of the Constitutional Law of the Republic of Angola, the administration of the country be effectively decentralized and deconcentrated;

Page 28; ANNEX 6, AGENDA ITEM II.4: NATIONAL RECONCILIATION; II. SPECIFIC PRINCIPLES;

5. Within the framework of National Reconciliation and without prejudice to the principle of national unity, the concretization of decentralization and administrative de-concentration, as stipulated in Paragraph 4 (d) of the General Principles, shall be carried out.

[...]

Page 29; ANNEX 6, AGENDA ITEM II.4: NATIONAL RECONCILIATION; II. SPECIFIC PRINCIPLES

[...]

7. In the context of national reconciliation, all the first 70 deputies elected on the lists of UNITA candidates in the September 1992 legislative elections shall, except in the cases provided for under article 165 (3) of Law 5/92 of 16 April, be installed in their functions in the National Assembly.

The vacancies existing under the terms of article 165 (3) of Law 5/92 of 16 April shall be filled in accordance with the law.

The first 70 deputies elected on the lists of UNITA candidates, all those who have already assumed their functions and those who have not yet done so, shall constitute the UNITA parliamentary group.

The deputies of the UNITA parliamentary group designated by the party leadership and appointed to functions not compatible with their parliamentary duties shall be replaced in accordance with articles 168 and 169 of Law 5/92 of 16 April.

All the deputies in the National Assembly shall enjoy the rights, freedoms, guarantees, immunities and privileges provided for by the law.

[...]

10. In order to cement National Reconciliation, the principle of the participation of UNITA members, including those professionally qualified to carry out public administration functions, namely teachers, health workers and technical staff, at the various levels of administrative and economic activity of the State, including the mass media and public enterprise sectors, shall be implemented through their incorporation, as far as possible, taking into consideration their technical and professional skills and the provisions of the law and of the Lusaka Protocol.

[...]

Page 31-2; ANNEX 6, AGENDA ITEM II.4: NATIONAL RECONCILIATION; III. MODALITIES

ps_pol

Political Power-sharing

1. In application of the relevant provisions of Art. 4 (c) of the general principles of National Reconciliation above, the concrete modalities of participation by UNITA in the various posts in the Government, State administration and diplomatic missions abroad, as agreed between the Government and UNITA and which appear in a document which is an integral part of the annex of the Lusaka Protocol relating to National Reconciliation, shall be specified in a letter to be written by the Angolan authorities to the leaders of that party.
[...]

6. In application of the provisions of para. 1 of the modalities of National Reconciliation above and following the consultations between the Government and UNITA, the latter shall submit to the Angolan authorities a list with multiple names for each post in the Government, State administration and diplomatic missions abroad, by D-Day + 45. The above-mentioned lists shall be accompanied by the "curriculum vitae" of the persons on the above lists.

7. After the movement of UNITA military forces from the areas where they are located to the quartering areas, conducted in accordance with para. 3 of the specific principles relating to Agenda item II (1) (b), and after the United Nations has certified that the requisite conditions are fulfilled, including those relating to the security of persons and property, the State administration shall be normalized in these areas.

In this context, the participation of UNITA members in the various sectors of public administration shall take place, as agreed, under the terms of para. 10 of the specific principles relating to National Reconciliation above.

Where applicable, the appointment of members of UNITA to positions in the administration at the provincial, municipal and communal levels shall be brought forward through agreement between the Government and UNITA, if the requisite conditions are certified as fulfilled for the purpose.

8. In application of the provisions of para. 4 (c) of the general principles relating to National Reconciliation above, members of UNITA appointed to exercise functions in the Central Government and diplomatic missions abroad, the deputies referred to in para. 7 of the specific principles relating to National Reconciliation above, and the UNITA members who will take up posts in the senior ranks of the National Police, shall assume their functions, at the latest, immediately following the completion of the procedures referred to in para. 3 of the specific principles relating to agenda item II (1) (b).

In any of these cases, if the requisite conditions are certified as fulfilled for the purpose, implementation of the preceding provisions of the present para. 8 of the modalities of National Reconciliation shall be brought forward through agreement between the Government and UNITA.

9. The replacement of any holder of the offices allocated to UNITA at all levels of State administration, during the period that the Lusaka Protocol remains in force, shall be effected in accordance with the provisions of the Protocol.

Page 35-9; DOCUMENT RELATING TO UNITA'S PARTICIPATION IN THE CENTRAL, PROVINCIAL AND LOCAL ADMINISTRATION AND IN THE DIPLOMATIC MISSIONS ABROAD, IN ACCORDANCE WITH ARTICLE I OF THE MODALITIES OF NATIONAL RECONCILIATION

1. Posts within the Central Administration

(i) Ministers

1. Minister of Geology and Mines
2. Minister of Trade
3. Minister of Health
4. Minister of Hotel Business and Tourism

(ii) Deputy Ministers

1. Deputy Minister of Defense
2. Deputy Minister of Home Affairs
3. Deputy Minister of Finance
4. Deputy Minister of Agriculture
5. Deputy Minister of Public Works
6. Deputy Minister of Social Reintegration

	<p>7. Deputy Minister of Mass Communication</p> <p>(iii) Ambassadors</p> <ol style="list-style-type: none"> 1. Ambassador of Angola in Canada 2. Ambassador of Angola in Mexico 3. Ambassador of Angola in India 4. Ambassador of Angola in Cape Verde 5. Ambassador of Angola in Poland 6. Ambassador of Angola to UNESCO <p>2. Posts in the Provincial Administration</p> <p>(i) Provincial Governors [...]</p> <p>(ii) Deputy Provincial Governors [...]</p> <p>3. Posts in the Local Administration</p> <p>(i) Municipal Administrators [...]</p> <p>(ii) Deputy Municipal Administrators [...]</p> <p>(iii) Administrators of Communes [...]</p>
<p>ps_eco</p> <p>Economic Power-sharing</p>	
<p>ps_mil</p> <p>Military Power-sharing</p>	<p>Page 11; ANNEX 3; AGENDA ITEM H.I: MILITARY ISSUES (I); III. MODALITIES</p> <ol style="list-style-type: none"> 7. Establishing quartering areas. 8. Identifying itineraries and means for the conduct of the movement of UNITA military forces to quartering areas. 9. Verification and monitoring of Government military forces. 10. Movement of UNITA military forces to quartering areas 11. Collection, storage and custody of armament of UNITA military forces under the supervision and control of the United Nations. 12. Collection, storage and custody of all the armament in the hands of civilians. 14. Return to the FAA of UNITA generals who left. Selection into FAA and demobilization of excess forces within the framework of the conclusion of the formation of the FAA. <p>Page 16; ANNEX 4, AGENDA ITEM II.I (continued): MILITARY ISSUES (II); I. GENERAL PRINCIPLES</p> <ol style="list-style-type: none"> 2. The composition of the Angolan Armed Forces will reflect the principle of proportionality between Government and UNITA military forces as provided for in the Bicesse Accords. <p>Page 17, ANNEX 4, AGENDA ITEM II.I (continued): MILITARY ISSUES (II); II. SPECIFIC PRINCIPLES</p>

1. After the process of selection of UNITA military forces, the selected personnel will be incorporated in FAA, under the supervision of the General Staff of FAA in which the Generals of UNITA will have already been present.

3. The process of selection for, incorporation and military distribution of UNITA military forces in FAA will start after the conclusion of the quartering of all UNITA military forces.

4. During the process of completion of the formation of FAA, at the time of the selection of UNITA military forces, the composition of FAA will be made to reflect the principle of proportionality agreed between the Government of the Republic of Angola and UNITA.

Page 18, ANNEX 4, AGENDA ITEM II.I (continued): MILITARY ISSUES (II); III. MODALITIES, Phase I

[...]

Setting-up of a working group to supervise the completion of the formation of FAA and demobilisation within the framework of the joint commission to be established under the new United Nations mandate. The above-mentioned working group will comprise representatives of the United Nations, the Angolan Government and UNITA. The work of this group will be based on information made available to the United Nations by the Government of Angola and UNITA with regard to the personnel, the composition and location of the respective military forces as well as the deliberations of the meeting between the general staffs of FAA and UNITA. The working group will be responsible for monitoring the following tasks concerning the completion of the formation of FAA and demobilization:

- Selection criteria
- Size of FAA to be agreed between the Government of the Republic of Angola and UNITA

- Adequacy of the composition of FAA, based on the principle of proportionality :

- a) in the case of the army, the principle of parity shall apply;

- b) in the case of the Navy and the Air Force, UNITA military forces shall be incorporated in conformity with the provisions established by CCFA ("Acordos de Paz") and instructions from the General Staff of FAA.

Page 22; ANNEX 5, AGENDA ITEM II.2: THE POLICE; II. SPECIFIC PRINCIPLES

4. Members of UNITA shall be incorporated into the Angolan National Police at all levels and in all branches, including the command and service organs provided for in the organic statute of the Angolan National Police.

Page 33; ANNEX 6, II.4, NATIONAL RECONCILIATION, DOCUMENT RELATING TO THE SPECIAL SECURITY ARRANGEMENTS GUARANTEED FOR LEADERS OF UNITA PURSUANT TO PARAGRAPH 3 OF THE MODALITIES OF NATIONAL RECONCILIATION

6. In order to exercise the right to the special security for UNITA leaders, the following procedure shall apply:

- (a) UNITA Leaders shall be entitled to two bodyguards for their protection. These shall be selected by UNITA amongst the demobilized members of its military forces, selected for integration into the National Police, in accordance with the provisions of para. 1 of the modalities relating to the National Police;

- (b) The members selected for the security of UNITA leaders shall be integrated into the Political Leaders and Diplomatic Protection Group (UPDEP), where they will undergo suitable professional training and receive the respective salaries.

<p>tj_amn Amnesty</p>	<p>Page 27; ANNEX 6; AGENDA ITEM II.4: NATIONAL RECONCILIATION; I. GENERAL PRINCIPLES</p> <p>5. In the spirit of National Reconciliation, all Angolans should forgive and forget the offenses resulting from the Angolan conflict and face the future with tolerance and confidence. Furthermore, the competent institutions will grant an amnesty, in accordance with Article 88 (h) of the Constitutional Law, for illegal acts committed by anyone prior to the signing of the Lusaka Protocol, in the context of the current conflict.</p> <p>Page 31-32; ANNEX 6; II.4 NATIONAL RECONCILIATION; III. MODALITIES</p> <p>5. On the day on which the Lusaka Protocol is initiated, the Government and the leadership of UNITA shall each issue a statement on the importance and meaning of pardon and amnesty, as referred to in para. 5 of the general principles relating to National Reconciliation above.</p> <p>11. The period for the promulgation of the Law of Amnesty shall be specified in the timetable of the Lusaka Protocol.</p> <p>Page 60; ANNEX 9; II.5 OTHER PENDING ISSUES; TIMETABLE OF ACTIONS UNDER THE LUSAKA PROTOCOL</p> <p>1. D DAY - Initialling of the Lusaka Protocol - Statements by the Government of the Republic of Angola and the Leadership of UNITA on the importance and significance of pardon and amnesty.</p> <p>3. Before D + 15 - Promulgation of the Law of Amnesty.</p>
<p>tj_pri Prisoner Release</p>	<p>Page 10; ANNEX 3; AGENDA ITEM II.1 MILITARY ISSUES (I); II. SPECIFIC PRINCIPLES RELATING TO THE RE-ESTABLISHED CEASEFIRE</p> <p>10. Release of all civilian and military prisoners detained or withheld as a consequence of the conflict, under the supervision of the ICRC.</p> <p>Page 11; ANNEX 3; II.I MILITARY ISSUES (I); III. MODALITIES</p> <p>13. Release of all civilian and military prisoners detained or withheld as a consequence of the conflict, under the supervision of the ICRC.</p> <p>Page 13; TIMETABLE OF THE BILATERAL CEASE-FIRE MODALITIES; D + 17 Phase one</p> <p>The first phase consists of live steps that must be taken by both sides [...] Step three begins with the release of all civilian and military prisoners detained or withheld as a consequence of the conflict, under the supervision of the ICRC.</p>
<p>tj_hum Human Rights</p>	<p>Page 21; ANNEX 5; II.2: POLICE; I. GENERAL PRINCIPLES</p> <p>2. The Angolan National Police is governed by the legislation in force, in compliance with the relevant provisions of the Bicesse Accords and the Lusaka Protocol. It discharges its tasks in accordance with the aforesaid instruments and within the letter and spirit of democratic principles and internationally recognised human rights, such as the Universal Declaration of Human Rights.</p> <p>Page 26; ANNEX 6; AGENDA ITEM II.4: NATIONAL RECONCILIATION; I. GENERAL PRINCIPLES</p>

	<p>4. National Reconciliation implies:</p> <p>(b) The respect for the principles of the rule of law, for the fundamental human rights and freedoms as defined by the national legislation in force and by the various legal international instruments to which Angola is a party, including the relevant provisions of the Bicesse Accords and the Lusaka Protocol.</p> <p>Page 48; ANNEX 8; AGENDA ITEM II.3: THE UNITED NATIONS MANDATE, THE ROLE OF THE OBSERVERS OF THE “ACORDOS DE PAZ” AND THE JOINT COMMISSION; A. THE UNITED NATIONS MANDATE; I. GENERAL PRINCIPLES</p> <p>10. The Government and UNITA commit themselves to implement the “Acordos de Paz para Angola” (Bicesse), the relevant resolutions of the United Nations Security Council and the Lusaka Protocol, respecting the principles of the rule of law, the general principles of internationally recognised human rights, more particularly, the Universal Declaration of Human Rights and the fundamental freedoms of the individual, such as defined by the national legislation in force and the various international legal instruments to which Angola adheres.</p>
<p>tj_min</p> <p>Indigenous & Minority Rights</p>	
<p>tj_wom</p> <p>Women’s Rights & Gender Issues</p>	
<p>tj_civ</p> <p>Civil & Political Rights</p>	<p>Page 9; ANNEX 3; II.I MILITARY ISSUES (I); I. DEFINITION AND GENERAL PRINCIPLES</p> <p>3. The re-established cease-fire shall guarantee the free circulation of persons and goods throughout the national territory.</p> <p>Page 10; ANNEX 3; II.I MILITARY ISSUES (I); II. SPECIFIC PRINCIPLES RELATING TO THE RE-ESTABLISHED CEASEFIRE</p> <p>7. Free circulation of persons and goods</p> <p>Page 11; ANNEX 3, II.I MILITARY ISSUES (I); III. MODALITIES</p> <p>15. Free circulation of persons and goods.</p> <p>Page 21; ANNEX 5; II.2 POLICE; I. GENERAL PRINCIPLES</p> <p>1. The Angolan National Police is the organ of the Angolan State Administration responsible for the maintenance of public order and the defense of the interests, integrity and security of all persons in Angola, irrespective of their nationality, place of birth, race, religion, social origin or political party affiliation.</p> <p>Page 28; ANNEX 6; II.4 NATIONAL RECONCILIATION; II. SPECIFIC PRINCIPLES</p> <p>2. Within the framework of National Reconciliation, the security of citizens, without distinction, the freedoms of speech, professional association and organization of unions, as well as press freedom, provided for and enshrined</p>

		<p>respectively in Articles 32, 33 and 35 of the Constitutional Law, are guaranteed in accordance with the legislation in force, the Lusaka Protocol and the universal principles of the rule of law.</p> <p>Page 30; ANNEX 6; II.4 NATIONAL RECONCILIATION; II. SPECIFIC PRINCIPLES</p> <p>17. Within the framework of National Reconciliation and in conformity with the provisions of Article 120 (3) of the Constitutional Law, the fundamental rights and freedoms of the citizen are guaranteed through the independence of the judiciary.</p> <p>Page 43; ANNEX 7; II.5 COMPLETION OF THE ELECTORAL PROCESS; II. SPECIFIC PRINCIPLES</p> <p>4. The requisite conditions for the holding of the second round of the presidential elections to be certified by the United Nations shall be, among others, the following: (a) Guarantees of safely, free circulation of persons and goods and public freedoms throughout the national territory;</p>
tj_esc	Economic, Social & Cultural Rights	
tj_vic	Victims & Reparations	
tj_ref	Refugees & Internally Displaced Persons	<p>Page 43; ANNEX 7; AGENDA ITEM II.5: COMPLETION OF THE ELECTORAL PROCESS; II. SPECIFIC PRINCIPLES</p> <p>4. The requisite conditions for the holding of the second round of the presidential elections to be certified by the United Nations shall be, among others, the following: (b) Effective guarantee of the functioning of the State Administration and of the normalization of national life throughout the national territory, including the rehabilitation of communication routes and the resettlement of displaced persons.</p>
tj_tru	Truth & Reconciliation Commission	
tj_rec	Reconciliation	<p>Page 4; ANNEX 1: AGENDA OF THE ANGOLA PEACE TALKS BETWEEN THE GOVERNMENT AND UNITA</p> <p>II. Continuation of the implementation of the "Acordos de Paz" and completion of the work of the Abidjan talks: 4. National reconciliation.</p> <p>Page 21; ANNEX 5; AGENDA ITEM II.2: THE POLICE; I GENERAL PRINCIPLES</p> <p>5. The Angolan National Police shall be an instrument for reinforcing national reconciliation. In this spirit, it shall be a non-partisan institution in which, within</p>

the framework of the Bicesse Accords and the Lusaka Protocol, a significant number of UNITA members shall be incorporated.

Page 26-27; ANNEX 6; AGENDA ITEM II.4: NATIONAL RECONCILIATION; I GENERAL PRINCIPLES

1. The serious crisis prevailing in the country requires a comprehensive solution that would lead to the coming together once again of Angolans to live together peacefully in the same Fatherland in a spirit of cooperation, in the pursuit of the common good.

All human endeavours in the political, economic, social and cultural fields should reflect the great objective of National Reconciliation in order to build an Angolan society marked by progress and tolerance.

2. National Reconciliation, today a national imperative, is the expression of the people's will which is translated unequivocally by the political will of the Government of the Republic of Angola and UNITA to live together within the Angolan constitutional, political and legal framework, reaffirming particularly their respect for the principles of accepting the will of the people expressed through free and fair elections and the right to opposition.

3. National Reconciliation has as its objective, inter alia, the reestablishment of a just and lasting peace in Angola and to make it possible, in strict respect for the legislation in force and by respecting the relevant provisions of the Bicesse Accords and the Lusaka Protocol, for all Angolans to participate in the promotion of a social climate of tolerance, fraternity and mutual trust.

4. National Reconciliation implies:

(a) The acceptance by all Angolans, irrespective of party or religious affiliation and racial or ethnic differences, to live in the same Fatherland with a spirit of fraternity and tolerance;

(b) The respect for the principles of the rule of law, for the fundamental human rights and freedoms as defined by the national legislation in force and by the various legal international instruments to which Angola is a party, including the relevant provisions of the Bicesse Accords and the Lusaka Protocol;

(c) That, in the pursuit of national interest, UNITA members participate adequately at all levels and in the various institutions of political, administrative and economic activity.

(d) That, in accordance with Article 54 (d) and (c) and Article 89 (c) and (d) of the Constitutional law of the Republic of Angola, the administration of the country be effectively decentralized and de-concentrated;

(e) Condemnation of the use of violence as a means of settling disputes or conflicts between the various forces constituting Angolan society; such issues should be settled peacefully;

(f) The use of the mass media to help pacify minds in support of the process of coexistence, national reconciliation and the consolidation of the democratic process, under the terms of Article 35 of the Constitutional Law, respecting the relevant provisions of the Bicesse Accords and the Lusaka Protocol.

5. In the spirit of National Reconciliation, all Angolans should forgive and forget the offenses resulting from the Angolan conflict and face the future with tolerance and confidence. Furthermore, the competent institutions will grant an amnesty, in accordance with Article 88(h) of the Constitutional Law, for illegal acts committed by any one prior to the signing of the Lusaka Protocol, in the context of the current conflict.

Page 28-30; ANNEX 6; AGENDA ITEM II.4: NATIONAL RECONCILIATION; II SPECIFIC PRINCIPLES

1. In order to promote, within the Angolan society, the spirit of tolerance, coexistence and trust mentioned in the general principles, the Government of the Republic of Angola and UNITA shall conduct an adequate campaign to sensitize Angolan and international public opinion.

2. Within the framework of National Reconciliation, the security of citizens, without distinction, the freedoms of speech, professional association and organization of unions, as well as press freedom, provided for and enshrined respectively in Articles 32, 33 and 35 of the Constitutional Law, are guaranteed

in accordance with the legislation in force, the Lusaka Protocol and the universal principles of the rule of law.

3. Given the importance of the mass media sector for improving the climate of tolerance and mutual trust necessary for National Reconciliation, the right of access to State Press, Radio and Television is guaranteed to political parties provided the legislation in force, the Lusaka Protocol and the universal principles of the rule of law are complied with.

4. VORGAN, UNITA's shortwave radio station, in the interests of National Reconciliation, shall continue, exceptionally, to broadcast in the context of the awareness campaign referred to in paragraph I of the Specific Principles, until D-Day + 9 months. By that date and in accordance with the relevant legislation in force (Laws 22/91 of 15 June and 9/92 of 16 April), the process of transformation of the status of VORGAN into a non-partisan radio station broadcasting on the appropriate frequencies allocated to it shall have been completed.

5. Within the framework of National Reconciliation and without prejudice to the principle of national unity, the concretization of decentralization and administrative de-concentration, as stipulated in Paragraph 4 (d) of the General Principles, shall be carried out.

[...]

6. In addition to the status specified in Article 77 (2) of the Constitutional Law and taking into account his position as President of the largest opposition part), the President of UNITA shall be guaranteed a special status.

7. In the context of national reconciliation, all the first 70 deputies elected on the lists of UNITA candidates in the September 1992 legislative elections shall, except in the cases provided for under article 165 (3) of Law 5/92 of 16 April, be installed in their functions in the National Assembly.

[...]

9. Within the framework of National Reconciliation, the cases of Angolans prevented from exercising their labour rights by circumstances prevailing prior to the signing of the Lusaka Protocol shall be duly considered by the competent State institutions.

10. In order to cement National Reconciliation, the principle of the participation of UNITA members, including those professionally qualified to carry out public administration functions, namely teachers, health workers and technical staff, at the various levels of administrative and economic activity of the State, including the mass media and public enterprise sectors, shall be implemented through their incorporation, as far as possible, taking into consideration their technical and professional skills and the provisions of the law and of the Lusaka Protocol.

11. In order to consolidate the process of National Reconciliation in the country, social welfare and social reintegration programmes shall be implemented throughout the national territory.

12. In order to reinforce National Reconciliation and to stimulate and expand economic development throughout the national territory, all Angolans are encouraged and supported by the Government of the Republic of Angola, inter alia, through the National Entrepreneurial Support Fund, in the establishment of private enterprises in the various sectors of economic activity (agriculture, industry, trade and services) on the basis of equal opportunity.

[...]

16. [...] Within the framework of National Reconciliation, UNITA shall be allocated, on the basis of existing possibilities and through close cooperation between the two sides in the planning and implementation of the programme, adequate party facilities and appropriate residences for its leaders, as follows:

- 76 residences for the members of the Political Committee;
- 11 residences for the National Secretaries;
- 1 residence per Province and 1 party facility per Province, for the Provincial Secretaries and Secretariats;
- 1 party facility for the central headquarters in Luanda.

17. Within the framework of National Reconciliation and in conformity with the provisions of Article 120 (3) of the Constitutional Law, the fundamental rights and freedoms of the citizen are guaranteed through the independence of the judiciary.

18. Within the context of National Reconciliation, the revision of the symbols of the Republic of Angola is considered important within the framework of the competent institutions.

Page 31-32; ANNEX 6; AGENDA ITEM II.4: NATIONAL RECONCILIATION; III MODALITIES

1. In application of the relevant provisions of Art. 4 (c) of the general principles of National Reconciliation above, the concrete modalities of participation by UNITA in the various posts in the Government, State administration and diplomatic missions abroad, as agreed between the Government and UNITA and which appear in a document which is an integral part of the annex of the Lusaka Protocol relating to National Reconciliation, shall be specified in a letter to be written by the Angolan authorities to the leaders of that party.

2. The practical implementation of the status referred to in para. 6 of the specific principles of National Reconciliation above shall have no legal effect, unless there is agreement to the contrary on the matter between the Government and UNITA.

3. The details of the special security status which shall be guaranteed, as necessary, to the leaders of UNITA who do not enjoy any other special security status by virtue of their posts, are contained in a document agreed between the Government and UNITA, which is an integral part of the annex to the Lusaka Protocol relating to National Reconciliation.

4. The awareness campaign to sensitize domestic and international public opinion, referred to in para. 1 of the specific principles relating to National Reconciliation above, shall start on the day on which the Lusaka Protocol is initialled.

5. On the day on which the Lusaka Protocol is initialled, the Government and the leadership of UNITA shall each issue a statement on the importance and meaning of pardon and amnesty, as referred to in para. 5 of the general principles relating to National Reconciliation above.

6. In application of the provisions of para. 1 of the modalities of National Reconciliation above and following the consultations between the Government and UNITA, the latter shall submit to the Angolan authorities a list with multiple names for each post in the Government, State administration and diplomatic missions abroad, by D-Day + 45. The above-mentioned lists shall be accompanied by the "curriculum vitae" of the persons on the above lists.

7. [...] In this context, the participation of UNITA members in the various sectors of public administration shall take place, as agreed, under the terms of para. 10 of the specific principles relating to National Reconciliation above.

8. In application of the provisions of para. 4 (c) of the general principles relating to National Reconciliation above, members of UNITA appointed to exercise functions in the Central Government and diplomatic missions abroad, the deputies referred to in para. 7 of the specific principles relating to National Reconciliation above, and the UNITA members who will take up posts in the senior ranks of the National Police, shall assume their functions, at the latest, immediately following the completion of the procedures referred to in para. 3 of the specific principles relating to agenda item II (1) (b).

In any of these cases, if the requisite conditions are certified as fulfilled for the purpose, implementation of the preceding provisions of the present para. 8 of the modalities of National Reconciliation shall be brought forward through agreement between the Government and UNITA

[...]

10. For purposes of implementation of art. 16 of the specific principles relating to National Reconciliation above, UNITA shall address a letter to the Government, by D-Day + 45, containing the names and the respective posts of its leaders.

Page 60; ANNEX 9; II.5 OTHER PENDING ISSUES; TIMETABLE OF ACTIONS UNDER THE LUSAKA PROTOCOL; 1. D DAY

- Launching of the awareness campaign to sensitize Angolan and international public opinion, to promote the spirit of tolerance, coexistence and trust in Angolan society.

Page 21; ANNEX 5, II.2 POLICE; I. GENERAL PRINCIPLES

1. The Angolan National Police is the organ of the Angolan State Administration responsible for the maintenance of public order and the defense of the interests, integrity and security of all persons in Angola, irrespective of their nationality, place of birth, race, religion, social origin or political party affiliation.

tj_pro

Protection Measures

Page 33; ANNEX 6, II.4, NATIONAL RECONCILIATION, DOCUMENT RELATING TO THE SPECIAL SECURITY ARRANGEMENTS GUARANTEED FOR LEADERS OF UNITA PURSUANT TO PARAGRAPH 3 OF THE MODALITIES OF NATIONAL RECONCILIATION

4. The Angolan State guarantees the leaders of UNITA, their families and their property protection from all forms of attack against their integrity.

6. In order to exercise the right to the special security for UNITA leaders, the following procedure shall apply:

(a) UNITA Leaders shall be entitled to two bodyguards for their protection. [...]

tr_con

Constitutional Reform

Page 29; ANNEX 6, AGENDA ITEM II.4: NATIONAL RECONCILIATION; II. SPECIFIC PRINCIPLES

[...]

7. In the context of national reconciliation, all the first 70 deputies elected on the lists of UNITA candidates in the September 1992 legislative elections shall, except in the cases provided for under article 165 (3) of Law 5/92 of 16 April, be installed in their functions in the National Assembly.

The vacancies existing under the terms of article 165 (3) of Law 5/92 of 16 April shall be filled in accordance with the law.

tr_leg

Legislative Branch Reform

The first 70 deputies elected on the lists of UNITA candidates, all those who have already assumed their functions and those who have not yet done so, shall constitute the UNITA parliamentary group.

The deputies of the UNITA parliamentary group designated by the party leadership and appointed to functions not compatible with their parliamentary duties shall be replaced in accordance with articles 168 and 169 of Law 5/92 of 16 April.

All the deputies in the National Assembly shall enjoy the rights, freedoms, guarantees, immunities and privileges provided for by the law.

[...]

**Page 31-2; ANNEX 6, AGENDA ITEM II.4: NATIONAL RECONCILIATION;
III. MODALITIES**

1. In application of the relevant provisions of Art. 4 (c) of the general principles of National Reconciliation above, the concrete modalities of participation by UNITA in the various posts in the Government, State administration and diplomatic missions abroad, as agreed between the Government and UNITA and which appear in a document which is an integral part of the annex of the Lusaka Protocol relating to National Reconciliation, shall be specified in a letter to be written by the Angolan authorities to the leaders of that party.

[...]

6. In application of the provisions of para. 1 of the modalities of National Reconciliation above and following the consultations between the Government and UNITA, the latter shall submit to the Angolan authorities a list with multiple names for each post in the Government, State administration and diplomatic missions abroad, by D-Day + 45. The above-mentioned lists shall be accompanied by the "curriculum vitae" of the persons on the above lists.

[...]

8. In application of the provisions of para. 4 (c) of the general principles relating to National Reconciliation above, members of UNITA appointed to exercise functions in the Central Government and diplomatic missions abroad, the deputies referred to in para. 7 of the specific principles relating to National Reconciliation above, and the UNITA members who will take up posts in the senior ranks of the National Police, shall assume their functions, at the latest, immediately following the completion of the procedures referred to in para. 3 of the specific principles relating to agenda item II (1) (b).

[...]

9. The replacement of any holder of the offices allocated to UNITA at all levels of State administration, during the period that the Lusaka Protocol remains in force, shall be effected in accordance with the provisions of the Protocol.

tr_exe

Executive Branch
Reform

**Page 35; DOCUMENT RELATING TO UNITA'S PARTICIPATION IN THE
CENTRAL, PROVINCIAL AND LOCAL ADMINISTRATION AND IN THE
DIPLOMATIC MISSIONS ABROAD, IN ACCORDANCE WITH ARTICLE I
OF THE MODALITIES OF NATIONAL RECONCILIATION**

1. Posts within the Central Administration

(i) Ministers

1. Minister of Geology and Mines
2. Minister of Trade
3. Minister of Health
4. Minister of Hotel Business and Tourism

(ii) Deputy Ministers

1. Deputy Minister of Defense
2. Deputy Minister of Home Affairs
3. Deputy Minister of Finance
4. Deputy Minister of Agriculture
5. Deputy Minister of Public Works
6. Deputy Minister of Social Reintegration
7. Deputy Minister of Mass Communication

(iii) Ambassadors

1. Ambassador of Angola in Canada
2. Ambassador of Angola in Mexico
3. Ambassador of Angola in India
4. Ambassador of Angola in Cape Verde
5. Ambassador of Angola in Poland
6. Ambassador of Angola to UNESCO

tr_jud

Judiciary Reform

Page 26; ANNEX 6; AGENDA ITEM II.4: NATIONAL RECONCILIATION; I. General Principles

4. National Reconciliation implies:

(c) That, in the pursuit of national interest, UNITA members participate adequately at all levels and in the various institutions of political, administrative and economic activity

Page 29-30; ANNEX 6; AGENDA ITEM II.4: NATIONAL RECONCILIATION; II. Specific Principles

10. In order to cement National Reconciliation, the principle of the participation of UNITA members, including those professionally qualified to carry out public administration functions, namely teachers, health workers and technical staff, at the various levels of administrative and economic activity of the State, including the mass media and public enterprise sectors, shall be implemented through their incorporation, as far as possible, taking into consideration their technical and professional skills and the provisions of the law and of the Lusaka Protocol.

16. The UNITA leaders installed in office in the various political, military and administrative structures of the State shall enjoy the privileges and benefits attached to their office, as prescribed by the legislation in force.

Page 31; ANNEX 6; AGENDA ITEM II.4: NATIONAL RECONCILIATION; III. Modalities

tr_adm

Public
Administration
Reform

1. In application of the relevant provisions of art. 4(c) of the general principles of National Reconciliation above, the concrete modalities of participation by UNITA in the various posts in the Government, State administration and diplomatic missions abroad, as agreed between the Government and UNITA and which appear in a document which is an integral part of the annex of the Lusaka Protocol relating to National Reconciliation, shall be specific in a letter to be written by the Angolan authorities to the leaders of that party.

7. [...]

In this context, the participation of UNITA members in the various sectors of public administration shall take place, as agreed, under the terms of para. 1(1) of the specific principles relating to National Reconciliation above.

Where applicable, the appointment of members of UNITA to positions in the administration at the provincial, municipal and communal levels shall be brought forward through agreement between the Government and UNITA, if the requisite conditions are certified as fulfilled for the purpose.

9. The replacement of any holder of the offices allocated to UNITA at all levels of State administration, during the period that the Lusaka Protocol remains in force, shall be effected in accordance with the provisions of the Protocol.

Page 35-39; DOCUMENT RELATING TO UNITA'S PARTICIPATION IN THE CENTRAL, PROVINCIAL AND LOCAL ADMINISTRATION AND IN THE DIPLOMATIC MISSIONS ABROAD, IN ACCORDANCE WITH ART. I OF THE MODALITIES OF NATIONAL RECONCILIATION

[...]

Page 61-62; ANNEX 9; II.5 OTHER PENDING ISSUES; TIMETABLE OF ACTIONS UNDER THE LUSAKA PROTOCOL

4. From D+17

Formalization by the Government of Angola of the concrete modalities for UNITA's participation in the various Government posts, in the State administration and in diplomatic missions abroad.
[...]

UNITA shall submit to the Angolan authorities the lists with multiple names of their members to fill each of the various posts in the Government and the State administration, as well as diplomatic missions abroad.

UNITA shall submit to the Angola Government a list containing the names and respective post of its leaders, with a view to the implementation of paragraph 10 of the modalities of national reconciliation.

7. From D+180

- Normalization of the State administration.

Page 4; ANNEX 1: AGENDA OF THE ANGOLA PEACE TALKS BETWEEN THE GOVERNMENT AND UNITA

II. Continuation of the implementation of the "Acordos de Paz" and completion of the work of the Abidjan talks:

1. Military issues:

... (d) Completion of the formation of the Angolan Armed Forces (F.A.A), including demobilisation;

Page 16; ANNEX 4; II.I: MILITARY ISSUES (II); I. GENERAL PRINCIPLES

1. The process of completion of the formation of FAA under the verification and monitoring of the United Nations, will guarantee the existence of one single, national and non-partisan armed forces obeying the sovereign organs of the Republic of Angola.

2. The composition of the Angolan Armed Forces will reflect the principle of proportionality between Government and UNITA military forces as provided for in the Bicesse Accords.

3. The military personnel in excess of the number to be agreed between the Angolan Government and UNITA for the composition of FAA will be demobilized and integrated into civilian society, within the framework of a national social reintegration program to be undertaken by the Government of the Republic of Angola with the participation of UNITA and the assistance of the international community.

tr_mil

Military Reform

Page 17; ANNEX 4; II.I: MILITARY ISSUES (II); II: SPECIFIC PRINCIPLES

1. After the process of selection of UNITA military forces, the selected personnel will be incorporated in FAA, under the supervision of the General Staff of FAA in which the Generals of UNITA will have already been present.

3. The process of selection for, incorporation and military distribution of UNITA military forces in FAA will start after the conclusion of the quartering of all UNITA military forces.

4. During the process of completion of the formation of FAA, at the time of the selection of UNITA military forces, the composition of FAA will be made to reflect the principle of proportionality agreed between the Government of the Republic of Angola and UNITA.

Page 18; ANNEX 4; II.I: MILITARY ISSUES (II); III. MODALITIES; Phase I

[..] The working group will be responsible for monitoring the following tasks concerning the completion of the formation of FAA and demobilization:

- Selection criteria

- Size of FAA to be agreed between the Government of the Republic of Angola and UNITA

- Adequacy of the composition of FAA, based on the principle of proportionality:

a) in the case of the army, the principle of parity shall apply;

b) in the case of the Navy and the Air Force, UNITA military forces shall be incorporated in conformity with the provisions established by CCFA ("Acordos de Paz") and instructions from the General Staff of FAA.

- Identification of the location and rehabilitation of the already existing military training centres

- Identification of the location and rehabilitation of the already existing vocational training centres for the soldiers to be demobilised

- Identification of the location as well as construction and rehabilitation of quarters for the FAA units

- The resources necessary for military incorporation based on the skills and specialisations of FAA personnel

- Logistics and administrative resources for all the tasks

Page 19; ANNEX 4; II.I: MILITARY ISSUES (II); III. MODALITIES; Phase II

This phase begins with the completion of the quartering of UNITA military forces and ends with the commencement of movement to the centres for the vocational training of the demobilised military personnel.

[..]

Page 19; ANNEX 4; II.I: MILITARY ISSUES (II); III. MODALITIES; Phase III

[...]

Page 4; ANNEX 1: AGENDA OF THE ANGOLA PEACE TALKS BETWEEN THE GOVERNMENT AND UNITA

II. Continuation of the implementation of the "Acordos de Paz" and completion of the work of the Abidjan talks:

[...]

2. The Police.

Page 21; ANNEX 5; AGENDA ITEM II.2: THE POLICE; I. General Principles

1. The Angolan National Police is the organ of the Angolan State Administration responsible for the maintenance of public order and the defense of the interests, integrity and security of all persons in Angola, irrespective of their nationality, place of birth, race, religion, social origin or political party affiliation.

2. The Angolan National Police is governed by the legislation in force, in compliance with the relevant provisions of the Bicesse Accords and the Lusaka Protocol. It discharges its tasks in accordance with the aforesaid instruments and within the letter and spirit of democratic principles and internationally recognized human rights, such as the Universal Declaration of Human Rights.

3. The Angolan National Police is a corporate body which, taking into consideration the principles of administrative decentralization, exercises its authority over the whole country at the national, provincial, municipal and communal levels. The activities of the Angolan National Police are carried out within the limits authorized by the legislation in force, respecting the relevant provisions of the Bicesse Accords and the Lusaka Protocol, in strict compliance with the principles of the rule of law and of fundamental freedoms. Except in the specific cases provided for by law, its activities cannot be

tr_pol

Police Reform

redirected in any event towards impeding or restricting the exercise by citizens of their political rights of favoring any political party whatsoever. Under the law, the Angolan National Police shall be held responsible for any violation of these principles, without prejudice to any action for criminal or civil liability of any individual member of the police force brought before the relevant Angolan judicial authorities.

4. Members of the Angolan National Police shall be given an appropriate professional training and their equipment shall be adapted to their functions, that is maintenance of public order and security.

5. The Angolan National Police shall be an instrument for reinforcing national reconciliation. In this spirit, it shall be a nonpartisan institution in which, within the framework of the Bicesse Accords and the Lusaka Protocol, a significant number of UNITA members shall be incorporated.

Page 22-23; ANNEX 5; AGENDA ITEM II.2: THE POLICE; II. Specific Principles

1. The activities of the Angolan National Police, placed under the legitimate authority, shall be verified and monitored by the United Nations, within the framework of its new mandate, in order to guarantee its neutrality.

2. The functions of the Angolan National Police, except as provided for under the law, include guaranteeing the normal operation of the democratic institutions and the regular exercise of fundamental rights and freedoms. In this context, any individual suspected of having committed illegal acts and placed under preventive detention by the police shall, in strict compliance with the law, be taken to court.

3. The Angolan National Police functioning under the Ministry of Home Affairs is organically and functionally independent of FAA. The demobilized military personnel to be incorporated into the Angolan National Police shall be subject to the statute of the Angolan National Police, and thereby all their former statutory military and political party connections shall cease.

4. Members of UNITA shall be incorporated into the Angolan National Police at all levels and in all branches, including the command and service organs provided for in the organic statute of the Angolan National Police.

5. Under the terms of the legislation in force, namely the relevant provisions of the

Constitutional Law and Decree no. 20/93 of 11 June, and in application of the principles of administrative decentralization to the Angolan National Police, the responsibility for the management, coordination and monitoring of the activities of all its organs and services at the provincial level falls on the provincial commands.

6. The Rapid Reaction Police is one of the organs of the Angolan National Police prepared to be used in compliance with the legislation in force and the relevant provisions of the Bicesse Accords and the Lusaka Protocol, for the maintenance and restoration of order, controlling situations of concerted violence, fighting violent and organized crime, protecting strategic installations and providing security for important personalities.

7. Any action by the Rapid Reaction Police shall be carried out in compliance with the principle of legality and at the request of the competent political and administrative authorities.

8. The Rapid Reaction Police shall act in circumstances in which other specialized organs of the Angolan National Police find it technically impossible to act in conformity with paragraph 6 above.

9. Once public order has been restored under the terms of paragraph 6, the units of the Rapid Reaction Police shall return to their installations.

10. The quartering of the Rapid Reaction Police and the adaptation of its armament and equipment to the nature of its mission shall be carried out under United Nations verification and monitoring.

11. The Rapid Reaction Police shall be stationed only at strategic locations in the country

12. The existence of any other surveillance or policing organ not expressly provided for under the legislation in force or by the relevant provisions of the Bicesse Accords and the Lusaka Protocol is forbidden.

Page 24; ANNEX 5; AGENDA ITEM II.2: THE POLICE; III. Modalities

[...]

5. All members - officers, sergeants and policemen of the Rapid Reaction Police shall undergo basic training and specific courses adapted to their mission.

Page 34; ANNEX 6: II.4 NATIONAL RECONCILIATION; DOCUMENT RELATING TO THE SPECIAL SECURITY ARRANGEMENTS GUARANTEED FOR LEADERS OF UNITA

7. Under the terms of the legislation in force in the Republic of Angola, the National Police is the organ of the State administration responsible for the maintenance of public order and the defence of the interests, the integrity and security of all persons in Angola, irrespective of their race, nationality, birth, religion, social origin or political option.

tr_edu Education Reform

Page 9; ANNEX 3; II.I MILITARY ISSUES (I); I. DEFINITION AND GENERAL PRINCIPLES

5. The re-established cease-fire shall include the cessation of all hostile propaganda between the Government of the Republic of Angola and UNITA, at both the national and the international level.

Page 27; ANNEX 6; II.4 NATIONAL RECONCILIATION; I. GENERAL PRINCIPLES

4. National Reconciliation implies:

[...] (f) The use of the mass media to help pacify minds in support of the process of coexistence, national reconciliation and the consolidation of the democratic process, under the terms of Article 35 of the Constitutional Law, respecting the relevant provisions of the Bicesse Accords and the Lusaka Protocol.

tr_med Media Reform

Page 28; ANNEX 6; II.4 NATIONAL RECONCILIATION; II. SPECIFIC PRINCIPLES

2. Within the framework of National Reconciliation, the security of citizens, without distinction, the freedoms of speech, professional association and organization of unions, as well as press freedom, provided for and enshrined respectively in Articles 32, 33 and 35 of the Constitutional Law, are guaranteed in accordance with the legislation in force, the Lusaka Protocol and the universal principles of the rule of law.

3. Given the importance of the mass media sector for improving the climate of tolerance and mutual trust necessary for National Reconciliation, the right of access to State Press, Radio and Television is guaranteed to political parties provided the legislation in force, the Lusaka Protocol and the universal principles of the rule of law are complied with.

4. VORGAN, UNITA's shortwave radio station, in the interests of National Reconciliation, shall continue, exceptionally, to broadcast in the context of the awareness campaign referred to in paragraph I of the Specific Principles, until D-Day + 9 months. By that date and in accordance with the relevant legislation in force (Laws 22/91 of 15 June and 9/91 of 16 April), the process of transformation of the status of VORGAN into a non-partisan radio station broadcasting on the appropriate frequencies allocated to it shall have been completed.

Page 44; ANNEX 7; COMPLETION OF THE ELECTORAL PROCESS; II. SPECIFIC PRINCIPLES

7. Notwithstanding the inalienable freedom of the press, publication of the election results by the mass media as well as any statistical projections of the outcome of the final determination of the results, shall be in accordance with the provisions of the law.

Page 49; ANNEX 8; II.3 THE UNITED NATIONS MANDATE, THE ROLE OF THE OBSERVERS OF THE "ACORDOS DE PAZ" AND THE JOINT COMMISSION; II. SPECIFIC PRINCIPLES; I) Military Issues (Agenda Item III)

[...] 1.2 Verification and monitoring of compliance with the cessation of all hostile propaganda between the Government of the Republic of Angola and UNITA, at both the domestic and international levels (General principle no. 5).

Page 4; ANNEX 1: AGENDA OF THE ANGOLA PEACE TALKS BETWEEN THE GOVERNMENT AND UNITA

II. Continuation of the implementation of the "Acordos de Paz" and completion of the work of the Abidjan talks:

1. Military issues:

- (b) Withdrawal, quartering and demilitarisation of all UNITA military forces;
- (c) Disarming of all civilians;
- (d) Completion of the formation of the Angolan Armed Forces (FA.A), including demobilisation;

Page 8; ANNEX 3, AGENDA ITEM II.1: II.I MILITARY ISSUES (I)

- b) Withdrawal, quartering and demilitarization of all UNITA military forces
- c) Disarming of all civilians

tr_ddd

Demobilization,
Disarmament &
Reintegration

Page 10; ANNEX 3: MILITARY ISSUES; AGENDA ITEM II.1: MILITARY ISSUES (I); II: Specific Principles Relating to the Re-Established Cease-Fire

3. Withdrawal and quartering of all UNITA military forces (paragraph 8 of United Nations Security Council resolution 864). UNITA shall provide the United Nations with updated, reliable and verifiable information concerning the composition of its forces, armament, equipment and their respective locations.

5. The FAA will disengage from forward positions under an arrangement that will allow verification and monitoring by the United Nations during the withdrawal and quartering of UNITA military forces.

6. Repatriation of all mercenaries in Angola.

8. Within the framework of the process of selection of the personnel for the completion of the formation of the FAA, the United Nations will carry out the collection, storage and custody of the armament of UNITA military forces at the time of quartering.

9. Collection, storage and custody of all the armament in the hands of civilians.

Page 11; ANNEX 3; MILITARY ISSUES; AGENDA ITEM II.1: MILITARY ISSUES (I); III. Modalities

8. Identifying itineraries and means for the conduct of the movement of UNITA military forces to quartering areas.

10. Movement of UNITA military forces to quartering areas.

11. Collection, storage and custody of armament of UNITA military forces under the supervision and control of the United Nations.

12. Collection, storage and custody of all the armament in the hands of civilians.

14. Return to the FAA of UNITA generals who left. Selection into FAA and demobilization of excess forces within the framework of the conclusion of the formation of the FAA.

Page 14; ANNEX 3; AGENDA ITEM II.1: MILITARY ISSUES (I); TIMETABLE OF THE BILATERAL CEASE-FIRE MODALITIES; D + 45 Phase two

- Step four involves the completion of the quartering of the military forces of UNITA and the collection, storage and custody of their armaments under the supervision and control of the United Nations. It also includes the start of the collection, storage and custody of all the armaments in the hands of civilians by the National Police with verification and monitoring by the United Nations. The operation to collect all the lethal war materiel of UNITA's military forces will be conducted directly by the general staff and the command elements of these troops under United Nations verification, monitoring and control. The United Nations will, as part of a consecutive action, collect this lethal war materiel and will proceed to store and take custody of it as previously agreed. Ammunition and materiel storage locations will be located in separate areas from the quartering locations.

- Step five consists of the conclusion of the quartering process, the return of UNITA generals to the FAA, the beginning of the selection of the military forces of UNITA for FAA and demobilization of excess forces. Selection for the FAA and demobilization of the military forces of UNITA will only begin once the quartering process has been completed.

Page 16; ANNEX 4; AGENDA ITEM II.1 (continued): MILITARY ISSUES (II); I. General Principles

3. The military personnel in excess of the number to be agreed between the Angolan Government and UNITA for the composition of FAA will be demobilized and integrated into civilian society, within the framework of a national social reintegration program to be undertaken by the Government of the Republic of Angola with the participation of UNITA and the assistance of the international community.

Page 17; ANNEX 4; AGENDA ITEM II.1 (continued): MILITARY ISSUES (II); II. Specific Principles

1. After the process of selection of UNITA military forces, the selected personnel will be incorporated in FAA, under the supervision of the General Staff of FAA in which the Generals of UNITA will have already been present.

2. For administrative and logistic reasons, the excess personnel will be dependent on the above-mentioned General Staff for their professional training, demobilization and reintegration into civilian society.

3. The process of selection for incorporation and military distribution of UNITA military forces in FAA will start after the conclusion of the quartering of all UNITA military forces.

4. During the process of completion of the formation of FAA, at the time of the selection of UNITA military forces, the composition of FAA will be made to

reflect the principle of proportionality agreed between the Government of the Republic of Angola and UNITA.

6. The joint commission to be set up within the framework of the new United Nations mandate, with the participation of the Government of Angola, UNITA, the United Nations and the observer countries will also see to it that the General and Specific Principles for the completion of the formation of FAA as well as for the process of selection and demobilization of excess military personnel of the sides are implemented.

Page 18; ANNEX 4; AGENDA ITEM II.1 (continued): MILITARY ISSUES (II); III. Modalities; Phase I

Setting-up of a working group to supervise the completion of the formation of FAA and demobilisation within the framework of the joint commission to be established under the new United Nations mandate. [...] The working group will be responsible for monitoring the following tasks concerning the completion of the formation of FAA and demobilization:

- Identification of the location and rehabilitation of the already existing vocational training centers for the soldiers to be demobilized

Page 19; ANNEX 4; AGENDA ITEM II.1 (continued): MILITARY ISSUES (II); III. Modalities; Phase II

This phase begins with the completion of the quartering of UNITA military forces and ends with the commencement of movement to the centres for the vocational training of the demobilised military personnel.
[...]

Page 19; ANNEX 4; AGENDA ITEM II.1 (continued): MILITARY ISSUES (II); III. Modalities; Phase III

This phase begins with the selection and incorporation of UNITA military personnel in FAA and the selection of the military personnel of the Government to be retained in FAA and ends with the completion of the formation of FAA, the total demobilisation and final verification by the United Nations that the provisions of the Lusaka Protocol have been fulfilled as regards the completion of the formation of FAA and the demobilisation of excess personnel.

Page 24; ANNEX 5; AGENDA ITEM II.2 POLICE; III. MODALITIES

4. The process of selection and incorporation of the demobilized members of UNITA military forces into the ranks of the Angolan National Police shall begin after the completion of the quartering of all UNITA military forces.

Page 60-64; ANNEX 9; AGENDA ITEM II.5: OTHER PENDING ISSUES; TIMETABLE OF ACTIONS UNDER THE LUSAKA PROTOCOL

1. D DAY

- Initalling of the Lusaka Protocol

- Statements by the Government of the republic of Angola and the Leadership of UNITA on the importance and significance of pardon and amnesty.

- Launching of the awareness campaign to sensitize Angolan and international public opinion, to promote the spirit of tolerance, coexistence and trust in Angolan society.

2. D + 10

- Meeting of the General Staffs of the FAA and of the UNITA military forces, under United Nations auspices and in the presence of the observer States, to establish the technical modalities for the cessation of hostilities "in situ".

tr_tim

Transitional
Timeline

- Establishment of the timetable and determination of the quartering areas for the Rapid Reaction Police by the United Nations and the Government, in the presence of UNITA and the representatives of the observer States.

- Formalization of participation by UNITA members in the National Police and in the Rapid Reaction Police.

3. Before D + 15

- Promulgation of the Law of Amnesty.

- Definition of the modalities of implementing the annex relating to the special security arrangements guaranteed for the leaders of UNITA, and of special cases considered as such, by the Government and UNITA.

4. D + 5

- Formal signature of the Lusaka Protocol by the Government of the Republic of Angola and UNITA and commencement of its implementation.

- Public statements by the Government and UNITA on the reestablished cease-fire.

- Taking of office and assumption of duty of the members of the Joint Commission.

5. From D + 17

- Coming into force of the re-established cease-fire.

- Strict compliance with the legislation in force and the relevant provisions of the Bicesse Accords and the Lusaka Protocol (General principle no. 3 of National Reconciliation).

- All actions prescribed in the annex relating to Military Issues I of the Lusaka Protocol. (Timetable of the modalities of the bilateral cease-fire, Phase 1).

- Installation of the Joint Commission in Luanda.

- Formalization by the Government of Angola of the concrete modalities for UNITA's participation in the various Government posts, in the State administration and in diplomatic missions abroad.

- All actions prescribed in the annex relating to Military Issues II of the Lusaka Protocol (Timetable for the completion of the formation of the FAA and demobilization, Phase 1).

- UNITA shall submit to the Angolan authorities the lists with multiple names of their members to fill each of the various posts in the Government and the State administration, as well as diplomatic missions abroad.

- UNITA shall submit to the Angola Government a list containing the names and respective post of its leaders, with a view to the implementation of paragraph 10 of the modalities of national reconciliation.

6. D + 45

- All actions prescribed in the annex relating to Military Issues I of the Lusaka Protocol (Timetable of the modalities of the bilateral cease-fire, Phase II).

7. From D + 180

- All actions prescribed in the annex relating to Military Issues II of the Lusaka Protocol (timetable of Modalities of the Completion of the formation of FAA and demobilization. Phase II).

- After the conclusion of the withdrawal, quartering and disarming of UNITA military forces, the selection and incorporation of demobilized members of UNITA military forces into the National Police.

- Professional training for personnel selected for incorporation into the National Police, including all personnel selected for the Rapid Reaction Police.
- Certification by the United Nations that conditions have been fulfilled for the normalization of the State administration.
- Normalization of the State administration.
- Government of Angola takes over the management of State property.
- Allocation to UNITA of adequate facilities of the use of the party and appropriate residences for its leaders, on the basis of availability.
- Participation by UNITA members in the various levels of state administration, in accordance with the agreement reached under the terms of article 10 of the specific principles of National Reconciliation.
- Participation by UNITA members in the central, provincial and local government, in the diplomatic missions abroad, in the National Assembly and in the senior ranks of the National Police, in accordance with the provisions of Paragraph 8 of the modalities of National Reconciliation.
- In any of these cases, if the requisite conditions are certified as fulfilled for the purpose, implementation of the preceding provisions of the present item of the modalities of National Reconciliation shall be brought forward through agreement between the Government and UNITA.

8. D + 270

- Completion of the transformation of the status of VORGAN.

9. From D + 455

- Final verification by the United Nations of compliance with the provisions of the Lusaka Protocol relating to the completion of the process of the formation of the Angolan Armed Forces and demobilization of excess personnel.
- Conclusion of the professional training of the demobilized personnel of the UNITA military forces and their incorporation into the National Police, including the Rapid Reaction Police.
- Statement by the United Nations that all requisite conditions have been fulfilled for the holding of the second round of the presidential elections.
- Holding of the second round of the presidential elections, within the period determined by the National Assembly and investiture of the President elect of the Republic.

Observations

1. The detailed timetable as well as the details of the tasks to be accomplished will be established by the Joint Commission.
2. No task shall be initiated until the previous one has been concluded.
3. Where conditions so permit, the timescales in the present timetable can be brought [sic] forward by agreement between the Government and UNITA.

Page 4; ANNEX 1: AGENDA OF THE ANGOLA PEACE TALKS BETWEEN THE GOVERNMENT AND UNITA

tr_epr

Electoral & Political
Party Reform

- II. Continuation of the implementation of the "Acordos de Paz" and completion of the work of the Abidjan talks:
- 5. Completion of the electoral process and other pending issues.

Page 26; ANNEX 6; AGENDA ITEM II.4: NATIONAL RECONCILIATION; I. GENERAL PRINCIPLES

2. National Reconciliation, today a national imperative, is the expression of the people's will which is translated unequivocally by the political will of the Government of the Republic of Angola and UNITA to live together within the Angolan constitutional, political and legal framework, reaffirming particularly their respect for the principles of accepting the will of the people expressed through free and fair elections and the right to opposition.

Page 28-29; ANNEX 6; AGENDA ITEM II.4 NATIONAL RECONCILIATION; II. SPECIFIC PRINCIPLES

5. [...]

Office holders of local government organs shall be elected in accordance with the legislation to be passed under the provisions of Article 89 (c) of the Constitutional Law.

7. In the context of national reconciliation all the first 70 deputies elected on the lists of UNITA candidates in the September 1992 legislative elections shall, except in the cases provided for under article 165 (3) of Law 5/92 of 16 April, be installed in their functions in the National Assembly.

The vacancies existing under the terms of article 165 (3) of Law 5/92 of 16 April shall be filled in accordance with the law.

The first 70 deputies elected on the lists of UNITA candidates, all those who have already assumed their functions and those who have not yet done so, shall constitute the UNITA parliamentary group.

The deputies of the UNITA parliamentary group designated by the party leadership and appointed to functions not compatible with their parliamentary duties shall be replaced in accordance with articles 168 and 169 of Law 5/92 of 16 April.

All the deputies in the National Assembly shall enjoy the rights, freedoms, guarantees, immunities and privileges provided for by the law.

Page 42; ANNEX 7; AGENDA ITEM II.5: COMPLETION OF THE ELECTORAL PROCESS; I. GENERAL PRINCIPLES

1. As in every democratic and multiparty society, the participation of all citizens in the definition of the national political, social and economic guidelines and options, as well as in the free choice of the country's leaders, is guaranteed by respect for the principle of the expression of the people's will in periodic, free and fair elections and acceptance of their results.

2. The Angolan electoral process, initiated with the elections provided for in the "Acordos de Paz para Angola " (Bicesse), remains to be concluded because of the post electoral crisis. Under the terms of article 147 (3) of Law 5/92. of April 1992. The electoral process should be concluded with the holding of the second round of the presidential elections.

3. The second round of the presidential elections shall take place under the United Nations, within the framework of its new mandate, and having heard the views of the organ to succeed the CCPM and the advisory opinions considered necessary, declares that all the requisite conditions for the purpose, including political and maternal conditions have been fulfilled

4. Under the terms of articles 8 and 12 of Law 5/92, of 16 April 1992, the second round of the presidential elections will be organized by the competent Angolan State institutions, including the National Electoral Council, with the appropriate support, verification and monitoring of the United Nations, as well as the participation of international observers.

Page 43-44; ANNEX 7; AGENDA ITEM II.5: COMPLETION OF THE ELECTORAL PROCESS; II. SPECIFIC PRINCIPLES

1. The second round of the presidential elections shall take place in accordance with the relevant provisions of the legislation in force, namely Laws 5/92 and 6/92 of 16 April 1992, with the amendments considered necessary introduced by the National Assembly, as well as with the relevant provisions of the "Acordos de Paz para Angola" (Bicesse) and of the Lusaka Protocol. The above-mentioned amendments shall follow the legislative procedure.

2. Control of the conduct of the second round of the presidential elections shall be exercised, within the framework of the organs provided for under Law 5/92 of April 1992, by among others, the representatives and candidate agents of the candidates in these elections.

3. The second round of the presidential elections shall take place within a period of time to be determined by the National Assembly after the United Nations has declared that the requisite conditions for this purpose have been fulfilled. The date for the second round of the presidential elections shall be established, within the period fixed by the National Assembly, in accordance with the provisions of article 159 of Law 5/92 of 16 April 1992.

4. The requisite conditions for the holding of the second round of the presidential elections to be certified by the United Nations shall be, among others, the following:

(a) Guarantees of safety, free circulation of persons and goods and public freedoms throughout the national territory;

(b) Effective guarantee of the functioning of the State Administration and of the normalization of national life throughout the national territory, including the rehabilitation of communication routes and the resettlement of displaced persons.

5. During the process of holding the second round of the presidential elections, equity in the utilization of all State resources, including financial resources, shall be guaranteed in accordance with the legislation in force, including the relevant provisions of Laws 5/92 and 8/92 of 16 April 1992. Support for electoral campaigns by private means, as well as the treatment of candidates by private organizations, shall be in accordance with the relevant provisions of Law 5/92 of 16 April 1992.

6. The Polling Station Officers, with the indispensable cooperation of the candidate agents of participating candidates, shall act as faithful custodians of all electoral material of the Polling Station and shall be afforded protection by the National Police and verification and monitoring by the United Nations. The ballot boxes shall not be removed from the polling locations until the votes have been counted and the final results established by the Polling Station.

7. Notwithstanding the inalienable freedom of the press, publication of the election results by the mass media as well as any statistical projections of the outcome of the final determination of the results, shall be in accordance with the provisions of the law.

8. Within the maximum time limit of forty-eight (48) hours after the official proclamation of the national results of the second round of the presidential elections, the United Nations shall issue a statement regarding the free and fair nature of the elections.

Page 45; ANNEX 7; AGENDA ITEM II.5: COMPLETION OF THE ELECTORAL PROCESS; III. MODALITIES

3. All organs and institutions involved in the organization of the second round of the presidential elections, specifically the National Electoral Council, shall make the indispensable preparations within the requisite time schedules.

4. The design, manufacture, receipt and storage of voting material shall take place within the appropriate time schedules, in accordance with the law and under the direction of the National Electoral Council, with the support, verification and monitoring of the United Nations.

5. The preparation of the electoral registration rolls through the registration of voters, as well as the publication through posters and notices of the lists of registered voters taken therefrom, shall take place within the appropriate time schedules, under the direction of the National Electoral Council, with the support, verification and monitoring of the United Nations, which shall take these matters into account for the purposes provided for in paragraph 3 of the specific principles.

		<p>6. A civic education campaign of voters on the objectives of the second round of the presidential elections, the electoral process and the manner of casting the votes shall be conducted within the requisite time schedules and through the appropriate means.</p>
tr_dev	Socio-Economic Development	<p>Page 29; ANNEX 6, AGENDA ITEM II.4: NATIONAL RECONCILIATION; II. SPECIFIC PRINCIPLES</p> <p>11. In order to consolidate the process of National Reconciliation in the country, social welfare and social reintegration programmes shall be implemented throughout the national territory.</p> <p>12. In order to reinforce National Reconciliation and to stimulate and expand economic development throughout the national territory, all Angolans are encouraged and supported by the Government of the Republic of Angola, inter alia, through the National Entrepreneurial Support Fund, in the establishment of private enterprises in the various sectors of economic activity (agriculture, industry, trade and services) on the basis of equal opportunity.</p>
tr_cul	Cultural Heritage/ Protections	
tr_fin	Financial Arrangements	
tj_dsm	Dispute Settlement Mechanisms	
ia_ver	Verification & Monitoring Mechanism	<p>Page 10; ANNEX 3; AGENDA ITEM II.1: MILITARY ISSUES (I); II. SPECIFIC PRINCIPLES RELATING TO THE RE-ESTABLISHED CEASEFIRE</p> <p>2. Setting-up of verification and monitoring mechanisms by the United Nations, within the framework of the new mandate.</p> <p>4. Verification and monitoring by the United Nations of all troops identified as FAA. The Government shall provide the United Nations with updated, reliable and verifiable information concerning the composition of its forces, armament, equipment and respective locations.</p> <p>5. The FAA will disengage from forward positions under an arrangement that will allow verification and monitoring by the United Nations during the withdrawal and quartering of UNITA military forces.</p> <p>Page 11; ANNEX 3; AGENDA ITEM II.1: MILITARY ISSUES (I); III. MODALITIES</p> <p>9. Verification and monitoring of Government military forces.</p> <p>11. Collection, storage and custody of armament of UNITA military forces under the supervision and control of the United Nations.</p>

**Page 12-13; ANNEX 3; AGENDA ITEM II.1: MILITARY ISSUES (I);
TIMETABLE OF THE BILATERAL CEASE-FIRE MODALITIES; D + 17
Phase one**

[...] Military forces can be supplied with food and medicines under the verification and monitoring of the United Nations. They cannot receive any military equipment, lethal or otherwise. All offensive movements and military actions are prohibited. Prior to the arrival of United Nations observers, the general staffs of both parties are encouraged to take joint measures to reduce the likelihood of cease-fire violations and to investigate incidents. The United Nations will be notified of the evacuation of sick and wounded combatants to ensure control and verification.

Step two begins with the installation of verification, monitoring and control mechanisms (to include triangular communications) by the United Nations. This step includes notification by each side of all the relevant military data to the United Nations. The United Nations will create and put in place UN teams to monitor and verify the cessation of hostilities throughout the national territory and investigate alleged cease-fire violations. United Nations assets will be deployed on a prioritized basis.

[...]

Step four

a) Step four involves the limited disengagement of forces in areas where forces are in contact (both sides will disengage) under the supervision of the United Nations. [...] The disengagement will be supervised by the United Nations.

c) In all cases, both sides will furnish the United Nations with details concerning their respective forces to include number of men, composition and type of force, type of equipment and specific location. This will allow the United Nations to install the appropriate verification, monitoring or control mechanisms.

**Page 16; ANNEX 4; AGENDA ITEM II.1 (continued): MILITARY ISSUES
(II); I. GENERAL PRINCIPLES**

1. The process of completion of the formation of FAA under the verification and monitoring of the United Nations, will guarantee the existence of one single, national and non-partisan armed forces obeying the sovereign organs of the Republic of Angola.

**Page 22-23; ANNEX 5; AGENDA ITEM II.2: THE POLICE; II SPECIFIC
PRINCIPLES**

1. The activities of the Angolan National Police, placed under the legitimate authority, shall be verified and monitored by the United Nations, within the framework of its new mandate, in order to guarantee its neutrality.

10. The quartering of the Rapid Reaction Police and the adaptation of its armament and equipment to the nature of its mission shall be carried out under United Nations verification and monitoring.

**Page 34; ANNEX 6; AGENDA ITEM II.4: NATIONAL RECONCILIATION;
DOCUMENT RELATING TO THE SPECIAL SECURITY ARRANGEMENTS
GUARANTEED FOR LEADERS OF UNITA PURSUANT TO PARAGRAPH
3 OF THE MODALITIES OF NATIONAL RECONCILIATION**

9. In its role of verification and monitoring of the neutrality of the activities of the Angolan National Police, in accordance with the provisions of para. 1 of the specific principles relating to the Police, the commitments made concerning security arrangements for UNITA leaders shall be verified and monitored by the United Nations.

**Page 47; ANNEX 8; AGENDA ITEM II.3: THE UNITED NATIONS
MANDATE, THE ROLE OF THE OBSERVERS OF THE "ACORDOS DE
PAZ" AND THE JOINT COMMISSION; A. THE UNITED NATIONS
MANDATE; I GENERAL PRINCIPLES**

3. The Government and UNITA invite the United Nations to perform, in addition to its missions of good offices and mediation, the tasks defined in the present mandate with a view to the full implementation of the "Acordos de Paz para Angola" (Bicesse) and the Lusaka Protocol. The Observers of the peace process (the United States of America, Portugal and the Russian Federation) give their full support to this invitation.

Page 49-53; ANNEX 8; AGENDA ITEM II.3: THE UNITED NATIONS MANDATE, THE ROLE OF THE OBSERVERS OF THE "ACORDOS DE PAZ" AND THE JOINT COMMISSION; A. THE UNITED NATIONS MANDATE; II SPECIFIC PRINCIPLES

The Government and UNITA invite the United Nations, within the framework of its new mandate, to undertake the following tasks:

1) Military Issues (Agenda Item II.1)

1.2 Verification and monitoring of compliance with the cessation of all hostile propaganda between the Government of the Republic of Angola and UNITA, at both the domestic and international levels (General principle no. 5).

1.5 Reception of updated, reliable and verifiable information from UNITA concerning the composition of its forces, armament, equipment and their respective locations (Specific principle no. 3, Modalities no. 5).

1.6 Reception of updated, reliable and verifiable information from the Government concerning the composition of its forces, armament, equipment and respective locations (Specific principle no. 4).

1.7 Verification and monitoring of all troops identified as FAA (Specific principle no. 4).

1.11 Verification and inspection of the putting into effect of the supply of food and medicines to the FAA and UNITA military forces (Timetable of modalities, phase one, step one).

1.12 Notification, verification and monitoring of all movements of forces throughout the territory of Angola (Cease-fire modalities, phase two, step three).

1.13 Reception of notification relating to the evacuation of sick and wounded combatants, to ensure control and verification (Timetable of the modalities, phase one, step one).

1.14 Creation and putting in place of UN teams in monitor and verify the cessation of hostilities throughout the country and to investigate alleged cease-fire violations (Timetable of modalities, phase one, step two).

1.15 Supervision of the limited disengagement of forces in areas where forces are in contact (Timetable of modalities, phase one, step four-A).

1.17 Supervision of the movement of UNITA troops to the areas designated by the United Nations and agreed to between the General Staffs, during the limited disengagement of the forces in areas where they are in contact (Timetable of modalities, phase one, step four-A).

1.18 Supervision of movement of Angolan Armed Forces to their nearest barracks during the limited disengagement of forces in areas where they are in contact (Timetable of modalities, phase one, step four).

1.24 Coordination with the Government forces in their withdrawal, where applicable, towards areas where they can be easily verified and monitored and which shall be, in most cases, the areas where they are headquartered. The concept is that Government forces will be centralized for ease of verification (Timetable of modalities, phase two, step three).

1.27 Verification of the free circulation of persons and goods (Timetable of modalities, phase two, step six).

1.28 Verification and monitoring of the process of the completion of the formation of FAA (General principle no. 1, Military Issues II).

1.29 Verification of strict compliance with the accords concerning FAA, without prejudice to the competence of the Government of the Republic of Angola with respect to national defence policy (Specific principle no. 5, Military Issues II)

1.32 Final verification of the fulfilment of the provisions of the Lusaka Protocol as regards the completion of the formation of FAA and demobilisation of excess personnel (Modalities, phase III, Military Issues II).

2) Police Activities (Agenda Item II.2)

2.1 Verification and monitoring of the advances of the Angolan National Police, placed under the legitimate authority, in order to guarantee its neutrality (Specific principle no. 1).

2.2 Verification and monitoring of the process of quartering the Rapid Reaction Police and the adaptation of its armament and equipment to the nature of its mission (Specific principle no 10).

2.5 Verification and monitoring of the collection, storage and custody of all the armaments in the hands of civilians. In the Angolan National Police (Military Issues I, Timetable of modalities, phase two, step four).

2.6 Verification and monitoring of the neutrality of the activity the Angolan National Police relating to the commitments made in matters of security arrangements guaranteed for the UNITA leaders. [...]

2.7 Verification and monitoring of the neutrality of the activity of the Angolan Police in their task of protecting the Polling Station Officers and the candidate agents of the participating candidates (Specific Principle no. 6. Completion of the Electoral Process).

Page 54; ANNEX 8; AGENDA ITEM II.3: THE UNITED NATIONS MANDATE, THE ROLE OF THE OBSERVERS OF THE "ACORDOS DE PAZ" AND THE JOINT COMMISSION; B. THE ROLE OF OBSERVERS IN THE IMPLEMENTATION OF THE ACORDOS DE PAZ AND THE LUSAKA PROTOCOL

1. The Governments of the United States of America, Russian Federation and Portugal are the observers of the peace process in Angola. In this capacity, they shall sit on the Joint Commission.

2. The functions of the Representatives of the observers are:
[...]

2.2 Attend the meeting scheduled for D-Day + 10 relating to the timetable and identification of the quartering areas for the Rapid Reaction Police (The Police, modalities no. 5);

2.3 Monitor the implementation of all the political, administrative and military provisions not yet implemented of the "Acordos de Paz para Angola" (Bicesse) and of all the political, administrative and military provisions of the Lusaka Protocol.

3. The Representatives of the observers shall attend all meetings of the Joint Commission and of any subsidiary body established by it, in their capacity as observers.

4. At all meetings, decisions shall be taken after hearing the opinions of the Representatives of the observers.

5. The functions of the Representatives of the observers on the Joint Commission shall cease when the body is dissolved

Page 55; ANNEX 8; AGENDA ITEM II.3: THE UNITED NATIONS MANDATE, THE ROLE OF THE OBSERVERS OF THE "ACORDOS DE

PAZ" AND THE JOINT COMMISSION; C. THE JOINT COMMISSION; 1. COMPOSITION

The Joint Commission shall be composed of:
[...]

- 1.3 attending in their capacity as observers:
- the Government of the United States of America;
- the Government of Portugal;
- the Government of the Russian Federation.

Page 55; ANNEX 8; AGENDA ITEM II.3: THE UNITED NATIONS MANDATE, THE ROLE OF THE OBSERVERS OF THE "ACORDOS DE PAZ" AND THE JOINT COMMISSION; C. THE JOINT COMMISSION; 2. FUNCTIONS

2.1 To watch over the implementation of all the political, administrative and military provisions not yet implemented of the "Acordos de Paz para Angola" (Bicesse), and all the provisions of the Lusaka Protocol, in accordance with the understandings in the areas related to the military, national police, national reconciliation and completion of the electoral process.

2.2 To monitor the implementation of the relevant resolutions of the United Nations Security Council.

2.3 To make the final decision on possible violations. In cases of violations of the agreements, proceed to adopt the necessary steps to establish the identify of the transgressor and make the final decision on addressing the above mentioned violations.

Page 4; ANNEX 1: AGENDA OF THE ANGOLA PEACE TALKS BETWEEN THE GOVERNMENT AND UNITA

II. Continuation of the implementation of the "Acordos de Paz" and completion of the work of the Abidjan talks:

1. Military issues:
(b) Withdrawal, quartering and demilitarisation of all UNITA military forces;

Page 10; ANNEX 3; AGENDA ITEM II.I: MILITARY ISSUES (I); II. SPECIFIC PRINCIPLES RELATING TO THE RE-ESTABLISHED CEASEFIRE

2. Setting-up of verification and monitoring mechanisms by the United Nations, within the framework of the new mandate.

3. Withdrawal and quartering of all UNITA military forces (paragraph 8 of United Nations Security Council resolution 864). UNITA shall provide the United Nations with updated, reliable and verifiable information concerning the composition of its forces, armament, equipment and their respective locations.

5. The FAA will disengage from forward positions under an arrangement that will allow verification and monitoring by the United Nations during the withdrawal and quartering of UNITA military forces.

6. Repatriation of all mercenaries in Angola.

Page 11; ANNEX 3; AGENDA ITEM II.I: MILITARY ISSUES (I); III. MODALITIES

5. Furnishing the United Nations with details concerning the FAA and the military forces of UNITA.

6. Reinforcement of existing United Nations personnel, both military observers and armed peacekeeping forces.

Page 12; ANNEX 3; AGENDA ITEM II.I: MILITARY ISSUES (I); TIMETABLE OF THE BILATERAL CEASE-FIRE MODALITIES; D • 17 Phase one

ia_pko

Peacekeeping

[...] The United Nations will create and put in place UN teams to monitor and verify the cessation of hostilities throughout the national territory and investigate alleged cease-fire violations. United Nations assets will be deployed on a prioritized basis.

**Page 13; ANNEX 3; AGENDA ITEM II.I: MILITARY ISSUES (I);
TIMETABLE OF THE BILATERAL CEASE-FIRE MODALITIES; D + 45
Phase two**

- Step one begins with the reinforcement of existing United Nations personnel, both military observers and armed peacekeeping forces. This reinforcement will permit the withdrawal of UNITA military forces from areas that they occupy, the effective verification and monitoring of those being abandoned by UNITA military forces, and the verification and monitoring of Government forces which continue to remain "in situ".

**Page 17; ANNEX 4; AGENDA ITEM II.I: MILITARY ISSUES (II); II.
SPECIFIC PRINCIPLES**

6. The joint commission to be set up within the framework of the new United Nations mandate, with the participation of the Government of Angola, UNITA, the United Nations and the observer countries will also see to it that the General and Specific Principles for the completion of the formation of FAA as well as for the process of selection and demobilization of excess military personnel of the sides are implemented.

**Page 18; ANNEX 4; AGENDA ITEM II.I: MILITARY ISSUES (II); III.
MODALITIES; Phase 1**

Setting-up of a working group to supervise the completion of the formation of FAA and demobilisation within the framework of the joint commission to be established under the new United Nations mandate. The above-mentioned working group will comprise representatives of the United Nations, the Angolan Government and UNITA. The work of this group will be based on information made available to the United Nations by the Government of Angola and UNITA with regard to the personnel, the composition and location of the respective military forces as well as the deliberations of the meeting between the general staffs of FAA and UNITA. The working group will be responsible for monitoring the following tasks concerning the completion of the formation of FAA and demobilization:

- Selection criteria
 - Size of FAA to be agreed between the Government of the Republic of Angola and UNITA
 - Adequacy of the composition of FAA, based on the principle of proportionality :
- a) in the case of the army, the principle of parity shall apply;
 - b) in the case of the Navy and the Air Force, UNITA military forces shall be incorporated in conformity with the provisions established by CCFA ("Acordos de Paz") and instructions from the General Staff of FAA.

**Page 22; ANNEX 5; AGENDA ITEM II.2: THE POLICE; II. SPECIFIC
PRINCIPLES**

1. The activities of the Angolan National Police, placed under the legitimate authority, shall be verified and monitored by the United Nations, within the framework of its new mandate, in order to guarantee its neutrality.

**Page 30; ANNEX 6; AGENDA ITEM II.4: NATIONAL RECONCILIATION; II.
SPECIFIC PRINCIPLES**

13. As soon as the United Nations, within the framework of its new mandate, certifies that the requisite conditions referred to in the modalities have been fulfilled, the State administration shall be exercised.

Page 34; ANNEX 6; AGENDA ITEM II.4: NATIONAL RECONCILIATION; DOCUMENT RELATING TO THE SPECIAL SECURITY ARRANGEMENTS GUARANTEED FOR LEADERS OF UNITA PURSUANT TO PARAGRAPH 3 OF THE MODALITIES OF NATIONAL RECONCILIATION

9. In its role of verification and monitoring of the neutrality of the activities of the Angolan National Police, in accordance with the provisions of para. 1 of the specific principles relating to the Police, the commitments made concerning security arrangements for UNITA leaders shall be verified and monitored by the United Nations.

Page 47-48; ANNEX 8; AGENDA ITEM II.3; THE UNITED NATIONS MANDATE, THE ROLE OF THE OBSERVERS OF THE "ACORDOZ DE PAZ" AND THE JOINT COMMISSION; A. THE UNITED NATIONS MANDATE; I. GENERAL PRINCIPLES
[...]

Page 49-54; ANNEX 8; AGENDA ITEM II.3; THE UNITED NATIONS MANDATE, THE ROLE OF THE OBSERVERS OF THE "ACORDOZ DE PAZ" AND THE JOINT COMMISSION; A. THE UNITED NATIONS MANDATE; II. SPECIFIC PRINCIPLES
[...]

Page 55; ANNEX 8; AGENDA ITEM II.3; THE UNITED NATIONS MANDATE, THE ROLE OF THE OBSERVERS OF THE "ACORDOZ DE PAZ" AND THE JOINT COMMISSION; C. THE JOINT COMMISSION; I COMPOSITION

The Joint Commission shall be composed of:

1.1 attending in their capacity as members:

- the Government of the Republic of Angola,
- UNITA;

1.2 attending in the capacity of chairman

- the United Nations Organisation. The Special Representative of the Secretary-General in Angola shall assume the functions of good offices and of mediation

1.3 attending in their capacity as observers:

- the Government of the United States of America,
- the Government of Portugal;
- the Government of the Russian Federation.

Page 55; ANNEX 8; AGENDA ITEM II.3; THE UNITED NATIONS MANDATE, THE ROLE OF THE OBSERVERS OF THE "ACORDOZ DE PAZ" AND THE JOINT COMMISSION; C. THE JOINT COMMISSION; 2. FUNCTIONS

2.1 To watch over the implementation of all the political, administrative and military provisions not yet implemented of the "Acordos de Paz para Angola" (Bicesse) and all the provisions of the Lusaka Protocol, in accordance with the understandings in the areas related to the military, national police, national reconciliation and completion of the electoral process.

2.2 To monitor the implementation of the relevant resolutions of the United Nations Security Council.

2.3 To make the final decision on possible violations. In cases of violations of the agreements, proceed to adopt the necessary steps to establish the identity of the transgressor and make the final decision on addressing the above-mentioned violations.

Page 55-56; ANNEX 8; AGENDA ITEM II.3; THE UNITED NATIONS MANDATE, THE ROLE OF THE OBSERVERS OF THE "ACORDOZ DE PAZ" AND THE JOINT COMMISSION; C. THE JOINT COMMISSION; 3. OPERATION

[...]

Pages 57-58, ANNEX: DEFINITIONS AND EXPLANATIONS OF KEY MILITARY WORDS USED IN THE DOCUMENT ON THE UNITED NATIONS MANDATE (LUSAKA PROTOCOL)

[...]

Page 42; ANNEX 7; AGENDA ITEM II.5: COMPLETION OF THE ELECTORAL PROCESS; I GENERAL PRINCIPLES

[...]

3. The second round of the presidential elections shall take place under the United Nations, within the framework of its new mandate, and having heard the views of the organ to succeed the CCPM and the advisory opinions considered necessary, declares that all the requisite conditions for the purpose, including political and maternal conditions have been fulfilled

4. Under the terms of articles 8 and 12 of Law 5/92, of 16 April 1992, the second round of the presidential elections will be organized by the competent Angolan State institutions, including the National Electoral Council, with the appropriate support, verification and monitoring of the United Nations, as well as the participation of international observers.

Page 43-44; ANNEX 7; AGENDA ITEM II.5: COMPLETION OF THE ELECTORAL PROCESS; II SPECIFIC PRINCIPLES

[...]

3. The second round of the presidential elections shall take place within a period of time to be determined by the National Assembly after the United Nations has declared that the requisite conditions for this purpose have been fulfilled. The date for the second round of the presidential elections shall be established, within the period fixed by the National Assembly, in accordance with the provisions of article 159 of Law 5/92 of 16 April 1992.

4. The requisite conditions for the holding of the second round of the presidential elections to be certified by the United Nations shall be, among others, the following:

(a) Guarantees of safety, free circulation of persons and goods and public freedoms throughout the national territory;

(b) Effective guarantee of the functioning of the State Administration and of the normalization of national life throughout the national territory, including the rehabilitation of communication routes and the resettlement of displaced persons.

[...]

8. Within the maximum time limit of forty-eight (48) hours after the proclamation of the national results of the second round of the presidential elections, the United Nations shall issue a statement regarding the free and fair nature of the elections.

Page 45; ANNEX 7; AGENDA ITEM II.5: COMPLETION OF THE ELECTORAL PROCESS; III MODALITIES

1. Within the framework of its new mandate and in order to ensure the smooth conduct of the second round of the presidential elections, the human and material resources of the United Nations shall be adapted to its mission of support, verification and monitoring.

2. The United Nations shall certify by a formal declaration, after consulting the organ which succeeds the CCPM, the fulfilment of all the indispensable requirements and all the requisite conditions for the holding of the second round of the presidential elections, especially those arising out of the fulfilment of all the obligations under the Lusaka Protocol.

[...]

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International
Assistance &
Advice

4. The design, manufacture, receipt and storage of voting material shall take place within the appropriate time schedules, in accordance with the law and under the direction of the National Electoral Council, with the support, verification and monitoring of the United Nations.

5. The preparation of the electoral registration rolls through the registration of voters, as well as the publication through posters and notices of the lists of registered voters taken therefrom, shall take place within the appropriate time schedules, under the direction of the National Electoral Council, with the support, verification and monitoring of the United Nations, which shall take these matters into account for the purposes provided for in paragraph 3 of the specific principles.

[...]

Page 47; ANNEX 8; AGENDA ITEM II.3: THE UNITED NATIONS MANDATE, THE ROLE OF THE OBSERVERS OF THE "ACORDOS DE PAZ" AND THE JOINT COMMISSION; A. THE UNITED NATIONS MANDATE; I GENERAL PRINCIPLES

3. The Government and UNITA invite the United Nations to perform, in addition to its missions of good offices and mediation, the tasks defined in the present mandate with a view to the full implementation of the "Acordos de Paz para Angola" (Bicesse) and the Lusaka Protocol. The Observers of the peace process (the United States of America, Portugal and the Russian Federation) give their full support to this invitation.

Page 53-54; ANNEX 8; AGENDA ITEM II.3: THE UNITED NATIONS MANDATE, THE ROLE OF THE OBSERVERS OF THE "ACORDOS DE PAZ" AND THE JOINT COMMISSION; A. THE UNITED NATIONS MANDATE; II SPECIFIC PRINCIPLES

The Government and UNITA invite the United Nations, within the framework of its new mandate, to undertake the following tasks:

[...]

4. Completion of the Electoral Process (Agenda Item II.5)

4.1 Formal declaration, after seeking the views of the organ to succeed the CCPM and the advisory opinion of those considered necessary, that all the requisite conditions for holding the second round of the presidential elections have been fulfilled, including political and material conditions, especially those arising out of all the obligations under the Lusaka Protocol (General principle no 3, Specific principle no. 4 and Modalities no 2).

4.2 Appropriate support, verification and monitoring of the organisation by the competent Angolan State institutions, namely the National Electoral Council, of the second round of the presidential elections (General principles no. 4).

4.3 Verification and monitoring of the activities of the Police Station officers with the indispensable cooperation of the candidate agents of the participating candidates in their capacity as faithful trustees of all electoral material of the Polling Station (Specific Principle no. 6)

4.4 Issuing a declaration within the maximum time limit of forty-eight (48) hours after the official proclamation of the national results of the second round of the presidential elections, regarding the free and fair nature of the elections (Specific principle no. 8)

4.5 Support, verification and monitoring of the design, manufacture, receipt and storage of voting material (Modalities no.4)

4.6 Support, verification and monitoring of the preparation of the electoral registration rolls, as well as the publication through posters and notices of the lists of registered voters taken therefrom (Modalities no 5)

[...]

Page 55; ANNEX 8; AGENDA ITEM II.3: THE UNITED NATIONS MANDATE, THE ROLE OF THE OBSERVERS OF THE "ACORDOS DE

**PAZ" AND THE JOINT COMMISSION; C. THE JOINT COMMISSION; 1.
COMPOSITION**

The Joint Commission shall be composed of:

[...]

1.2 attending in the capacity of chairman:

- the United Nations Organisation. The Special Representative of the Secretary-General in Angola shall assume the functions of good offices and of mediation.

ACCORD DE PAIX ET DE RECONCILIATION NATIONALE

<p>ps_pol</p> <p>Political Power-sharing</p>	<p>Page 4; TITRE VIII: DE LA TRANSFORMATION DU FRUD EN PARTI POLITIQUE</p> <p>1) Une fois le présent accord de paix signé, le FRUD se muera en parti politique légal. Ainsi, il abandonnera la lutte armée et participera pleinement à la vie politique nationale en défendant ses idées par les moyens pacifiques, et le Gouvernement s'engage à l'accepter.</p> <p>2) Le FRUD participera à la gestion des affaires du pays, en s'alliant au parti au pouvoir, sur la base du présent accord et d'une plate-forme politique commune aux deux formations.</p> <p>Page 4; TITRE IX: DE LA DECENTRALISATION</p> <p>Après la restauration de la paix et de la réconciliation nationale, une large décentralisation portant sur le transfert de certaines compétences et moyens vers des collectivités territoriales sera instituée en République de Djibouti. Une commission nationale regroupant toutes les sensibilités politiques du pays sera créée pour l'élaboration d'un projet de loi portant décentralisation.</p>
<p>ps_eco</p> <p>Economic Power-sharing</p>	<p>Page 3; TITRE VI: DU REEQUILIBRAGE AU SEIN DE L'APPAREIL DE L'ETAT</p> <p>Pour répondre aux soucis des uns et des autres, et dans le but suprême d'explorer ensemble la voie de la paix, le Gouvernement s'engage à assurer aux combattants du FRUD, emplois et intégration dans les domaines politique, militaire, administratif et socio-économique, conformément aux dispositions et quotas fixés d'un commun accord par les deux parties et consignés dans l'annexe du présent accord de paix.</p> <p>[...]</p>
<p>ps_mil</p> <p>Military Power-sharing</p>	<p>Page 3; TITRE VI: DU REEQUILIBRAGE AU SEIN DE L'APPAREIL DE L'ETAT</p> <p>Pour répondre aux soucis des uns et des autres, et dans le but suprême d'explorer ensemble la voie de la paix, le Gouvernement s'engage à assurer aux combattants du FRUD, emplois et intégration dans les domaines politique, militaire, administratif et socio-économique, conformément aux dispositions et quotas fixés d'un commun accord par les deux parties et consignés dans l'annexe du présent accord de paix.</p> <p>Les dispositions relatives à l'intégration des combattants dans le domaine militaire porteront sur le retour l'un quota des combattants du FRUD avec leurs armements.</p>
<p>tj_amn</p> <p>Amnesty</p>	<p>Page 3-4; TITRE VII: DE L'AMNISTIE GENERALE</p> <p>Les combattants et les militaires exilés du FRUD sont amnistiés sans exception pour les faits commis antérieurement à la date du 12 juin 1994, et recouvrent ainsi l'intégralité de leurs droits civiques. Leur sécurité est garantie par l'Etat.</p>

tj_pri	Prisoner Release	
tj_hum	Human Rights	
tj_min	Indigenous & Minority Rights	
tj_wom	Women's Rights & Gender Issues	
tj_civ	Civil & Political Rights	
tj_esc	Economic, Social & Cultural Rights	
tj_vic	Victims & Reparations	<p>Page 2; TITRE III: DE LA GESTION DU RETOUR A LA PAIX</p> <p>c) Le Gouvernement consent à fournir aide et assistance aux familles affectées par la guerre, moralement ou physiquement, par la perte des biens privés et des personnes civiles. Il mettra en place les voies et moyens pour accomplir cette mission</p>
tj_ref	Refugees & Internally Displaced Persons	<p>Page 2; TITRE III: DE LA GESTION DU RETOUR A LA PAIX</p> <p>d) Le FRUD se charge d'inciter les réfugiés et les personnes djiboutiennes déplacées, se trouvant à l'extérieur du territoire national à cause de la guerre, de rentrer chez eux. A cet effet, il (le FRUD) se charge de présenter au gouvernement un état nominatif des personnes djiboutiennes concernées afin que l'État leur apporte aide et assistance.</p>
tj_tru	Truth & Reconciliation Commission	

<p>tj_rec</p> <p>Reconciliation</p>	<p>Page 1; PRÉAMBULE</p> <p>- convaincues du fait que seule la volonté des deux parties peut aplanir les points de discorde, réaliser la réconciliation nationale et que la résolution du différend ne doit impliquer que les seuls protagonistes, en l'absence de tout intermédiaire ou tierce personne ;</p> <p>Page 2; TITRE I: DES PRINCIPES GENERAUX</p> <p>Cet accord est le cadre dans lequel seront restaurées la paix juste et définitive et la réconciliation entre les Djiboutiens. Son contenu constitue un engagement solennel des deux parties. Ses dispositions et leur mise en oeuvre sont garanties par l' État.</p>
<p>tj_pro</p> <p>Protection Measures</p>	<p>Page 2; TITRE III: DE LA GESTION DU RETOUR A LA PAIX</p> <p>c) Le Gouvernement consent à fournir aide et assistance aux familles affectées par la guerre, moralement ou physiquement, par la perte des biens privés et des personnes civiles. Il mettra en place les voies et moyens pour accomplir cette mission.</p> <p>Page 3; TITRE V: DU RATTRAPAGE SCOLAIRE</p> <p>Dans le cadre du rattrapage scolaire, les mesures dérogatives déjà instituées pour les enfants en situation de retard scolaire à cause de la guerre sont maintenues et durant toute leur scolarité.</p>
<p>tr_con</p> <p>Constitutional Reform</p>	<p>Page 2; TITRE II: DES INSTITUTIONS</p> <p>Le FRUD adopte la Constitution, les lois et les règlements en vigueur dans la République de Djibouti, et s'engage au respect de leurs dispositions. Quant à la révision de certaines dispositions de la Constitution, elle sera étudiée ultérieurement, et engagée que selon les règles de la Constitution.</p>
<p>tr_leg</p> <p>Legislative Branch Reform</p>	
<p>tr_exe</p> <p>Executive Branch Reform</p>	
<p>tr_jud</p> <p>Judiciary Reform</p>	
<p>tr_adm</p> <p>Public Administration Reform</p>	

<p>tr_mil</p> <p>Military Reform</p>	<p>Page 3; TITRE VI: DU REEQUILIBRAGE AU SEIN DE L'APPAREIL DE L'ETAT</p> <p>Pour répondre aux soucis des uns et des autres, et dans le but suprême d'explorer ensemble la voie de la paix, le Gouvernement s'engage à assurer aux combattants du FRUD, emplois et intégration dans les domaines politique, militaire, administratif et socio économique, conformément aux dispositions et quotas fixés d'un commun accord par les deux parties et consignés dans l'annexe du présent accord de paix.</p> <p>Les dispositions relatives à l'intégration des combattants dans le domaine militaire porteront sur le retour l'un quota des combattants du FRUD avec leurs armements.</p>
<p>tr_pol</p> <p>Police Reform</p>	
<p>tr_edu</p> <p>Education Reform</p>	<p>Page 3; TITRE V: DU RATTRAPAGE SCOLAIRE</p> <p>Dans le cadre du rattrapage scolaire, les mesures dérogatives déjà instituées pour les enfants en situation de retard scolaire à cause de la guerre sont maintenues et durant toute leur scolarité.</p>
<p>tr_med</p> <p>Media Reform</p>	
<p>tr_dds</p> <p>Demobilization, Disarmament & Reintegration</p>	<p>Page 3; TITRE VI: DU REEQUILIBRAGE AU SEIN DE L'APPAREIL DE L'ETAT</p> <p>Pour répondre aux soucis des uns et des autres, et dans le but suprême d'explorer ensemble la voie de la paix, le Gouvernement s'engage à assurer aux combattants du FRUD, emplois et intégration dans les domaines politique, militaire, administratif et socio économique, conformément aux dispositions et quotas fixés d'un commun accord par les deux parties et consignés dans l'annexe du présent accord de paix.</p> <p>Les dispositions relatives à l'intégration des combattants dans le domaine militaire porteront sur le retour l'un quota des combattants du FRUD avec leurs armements.</p>
<p>tr_tim</p> <p>Transitional Timeline</p>	<p>Page 5; TITRE XI: DES DISPOSITIONS FINALES</p> <p>Les modalités d'application de certaines dispositions de cet accord, ainsi que le calendrier de mise en œuvre figureront dans des documents annexes.</p>
<p>tr_epr</p> <p>Electoral & Political Party Reform</p>	<p>Page 3; TITRE IV: DES LISTES ELECTORALES ET PIECES D'IDENTITE</p> <p>Concernant la refonte des listes électorales et la délivrance des pièces d'identité, les parties conviennent:</p> <p>a) de la nécessité de la refonte des listes électorales avant les prochaines élections.</p> <p>Page 4; TITRE VIII: DE LA TRANSFORMATION DU FRUD EN PARTI POLITIQUE</p>

		<p>1) Une fois le présent accord de paix signé, le FRUD se muera en parti politique légal. Ainsi, il abandonnera la lutte armée et participera pleinement à la vie politique nationale en défendant ses idées par les moyens pacifiques, et le Gouvernement s'engage à l'accepter.</p> <p>2) Le FRUD participera à la gestion des affaires du pays, en s'alliant au parti au pouvoir, sur la base du présent accord et d'une plate-forme politique commune aux deux formations.</p>
		<p>Page 2; TITRE III: DE LA GESTION DU RETOUR A LA PAIX</p> <p>b) Le Gouvernement s'engage à continuer les efforts déjà entrepris en restaurant les infrastructures publiques endommagées (bâtiments administratifs, dispensaires, points d'eau etc...)</p> <p>c) Le Gouvernement consent à fournir aide et assistance aux familles affectées par la guerre, moralement ou physiquement, par la perte des biens privés et des personnes civiles. Il mettra en place les voies et moyens pour accomplir cette mission.</p> <p>Page 3; TITRE V: DU RATTRAPAGE SCOLAIRE</p> <p>Dans le cadre du rattrapage scolaire, les mesures dérogatives déjà instituées pour les enfants en situation de retard scolaire à cause de la guerre sont maintenues et durant toute leur scolarité.</p> <p>Page 4; TITRE X: DE LA RECONSTRUCTION, DU DEVELOPPEMENT ET DE LA PROMOTION ECONOMIQUE</p> <p>Pour promouvoir l'activité économique dans tous les districts de l'Intérieur, il sera recommandé à la Banque de Développement de Djibouti, la mise en place d'un fonds pour prêts avantageux, destiné à la création de petites entreprises de développement.</p> <p>Le Gouvernement doit entamer les efforts nécessaires pour la reprise et le redémarrage des projets de développement arrêtés ou suspendus à cause du conflit, pour cela, il entrera en contact avec les bailleurs de fonds. De nouveaux projets devront être élaborés en fonction des nécessités nouvelles.</p>
tr_dev	Socio-Economic Development	
tr_cul	Cultural Heritage/ Protections	
tr_fin	Financial Arrangements	<p>Page 4; TITRE X: DE LA RECONSTRUCTION, DU DEVELOPPEMENT ET DE LA PROMOTION ECONOMIQUE</p> <p>Pour promouvoir l'activité économique dans tous les districts de l'Intérieur, il sera recommandé à la Banque de Développement de Djibouti, la mise en place d'un fonds pour prêts avantageux, destiné à la création de petites entreprises de développement.</p>
tj_dsm	Dispute Settlement Mechanisms	

ia_ver	Doğrulama & İzleme Mekanizması (Verification & Monitoring Mechanism)
ia_pko	Peacekeeping
ia_adv	<p data-bbox="427 607 576 689">International Assistance & Advice</p> <p data-bbox="639 566 1458 618">Page 5; TITRE X: DE LA RECONSTRUCTION, DU DEVELOPPEMENT ET DE LA PROMOTION ECONOMIQUE</p> <p data-bbox="639 647 1469 730">Les deux parties lancent un appel solennel aux pays frères et amis pour apporter leur soutien et contribution au raffermissement et à la consolidation du présent accord, ainsi qu'à la réhabilitation.</p>

**ACCORD ÉTABLISSANT UNE PAIX DÉFINITIVE ENTRE LE GOUVERNEMENT DE LA RÉPUBLIQUE
DU NIGER ET L'ORGANISATION DE LA RÉSISTANCE ARMÉE (ORA)**

Page 1; PRÉAMBULE

Le Gouvernement de la République du Niger et l'Organisation de la Résistance Armée (ORA) dénommées les deux Parties dans le cadre du présent Accord,

- Désireux de donner aux populations la responsabilité de gérer leurs propres affaires par une libre administration des collectivités territoriales reposant sur les principes de la décentralisation et de la déconcentration contenus dans la Constitution du 26 décembre 1992,
[...]

**Page 2; TITRE II - DE L'ORGANISATION TERRITORIALE ET
ADMINISTRATIVE; ARTICLE 3**

Le découpage territorial, l'organisation et les pouvoirs des collectivités territoriales seront ceux définis par la loi sur la base des travaux de la commission spéciale chargée de réfléchir sur le découpage administratif de la République du Niger, en conformité avec l'Accord de Paix signé à Ouagadougou le 9 octobre 1994, en ses titres I, II, III ainsi libellés:

**Page 2; TITRE II - DE L'ORGANISATION TERRITORIALE ET
ADMINISTRATIVE; A/DÉCOUPAGE TERRITORIAL; ARTICLE 4**

La République du Niger est divisée en circonscriptions administratives qui sont:

- la Région
- le Département
- l'Arrondissement
- la Commune

ps_pol

Political Power-
sharing

**Page 2; TITRE II - DE L'ORGANISATION TERRITORIALE ET
ADMINISTRATIVE; A/DÉCOUPAGE TERRITORIAL; ARTICLE 5**

La Région, le Département et la Commune sont érigées en Collectivités territoriales.

**Page 2; TITRE II - DE L'ORGANISATION TERRITORIALE ET
ADMINISTRATIVE; A/DÉCOUPAGE TERRITORIAL; ARTICLE 6**

La création et les limites des Collectivités territoriales (Régions, Départements, Communes) et celles des Arrondissements sont fixées par la loi sur proposition de la commission spéciale dont seront membres les représentants de la CRA.

**Page 2; TITRE II - DE L'ORGANISATION TERRITORIALE ET
ADMINISTRATIVE; B/DE L'ORGANISATION ET DES POUVOIRS DES
COLLECTIVITÉS TERRITORIALES; ARTICLE 7**

Les Collectivités territoriales seront dotées de Conseils ou d'Assemblées, élus au suffrage universel et dont les Présidents élus en leur sein seront les Chefs des exécutifs régionaux, départementaux et communaux.

**Page 2; TITRE II - DE L'ORGANISATION TERRITORIALE ET
ADMINISTRATIVE; B/DE L'ORGANISATION ET DES POUVOIRS DES
COLLECTIVITÉS TERRITORIALES; ARTICLE 8**

Dans le cadre de leur libre administration, les Conseils ou les Assemblées élus régleront par voie délibérative leurs propres affaires dans les domaines prévus par la loi, notamment le budget, la conception, la programmation, la mise en œuvre, le suivi et l'évaluation des actions de développement économique, social et culturel d'intérêt régional ou local.

Page 2; TITRE II - DE L'ORGANISATION TERRITORIALE ET ADMINISTRATIVE; B/DE L'ORGANISATION ET DES POUVOIRS DES COLLECTIVITÉS TERRITORIALES; ARTICLE 9

Les représentants de l'État auront pour mission:

a/de veiller à l'application des lois et règlements de l'État dans la limite du territoire de l'entité administrative.

b/d'assurer le contrôle de la légalité a posteriori des décisions et actions des collectivités territoriales.

c/d'apporter aux collectivités territoriales, à leur demande, conseils et assistance des services techniques de l'État.

Page 4; TITRE III - DE LA RESTAURATION DE LA PAIX ET DE LA RÉCONCILIATION NATIONALE; ARTICLE 13

Le Comité Spécial de Paix veillera à l'exécution des opérations de désarmement et de récupération de toutes les armes, munitions et matériel de guerre lorsque le Gouvernement :

- aura mis en place la loi sur la décentralisation avec un calendrier détaillé d'application.

[...]

Page 6; TITRE IV - DE L'ORGANISATION DES FORCES DE DÉFENSE ET DE SÉCURITÉ; ARTICLE 17

A) Unités à statut militaire particulier

[...]

Le statut particulier de ces unités (commandement, gestion des personnels, recrutement, formation, avancement) sera déterminé par des textes réglementaires sur proposition d'une commission interministérielle dont seront membres en outre des représentants de l'ORA

Page 7; TITRE V - DU DÉVELOPPEMENT ÉCONOMIQUE, SOCIAL ET CULTUREL; ARTICLE 18

Dans le cadre de l'application de l'Article 8 du présent Accord, le Gouvernement prendra dans les domaines prévus par la loi, toutes les mesures nécessaires pour assurer aux collectivités territoriales la libre gestion de leurs affaires dans les actions de développement économique, social et culturel d'intérêt régional ou local.

Page 8-9; TITRE V - DU DÉVELOPPEMENT ÉCONOMIQUE, SOCIAL ET CULTUREL; ARTICLE 22

Sans préjudice des dispositions de l'Article 8 du présent Accord, le Gouvernement s'engage à prendre toutes les dispositions nécessaires en vue de poursuivre et d'accélérer les efforts d'investissements dans la zone pastorale par la mise en œuvre des nouvelles stratégies de développement visant:

[...]

B. Dans le domaine des mines et industries

[...]

- transférer aux collectivités territoriales une partie des ressources nationales générées par l'exploitation minière et industrielle. Le taux et les modalités de transfert de ces ressources seront déterminés par la loi sur la décentralisation.

[...]

Page 12; TITRE V - DU DÉVELOPPEMENT ÉCONOMIQUE, SOCIAL ET CULTUREL; ARTICLE 24

ps_eco

Economic Power-sharing

		<p>Dans le souci d'une meilleure répartition géographique des infrastructures et des équipements, le Gouvernement s'engage à appuyer la politique de décentralisation par une politique d'aménagement du territoire. Cette répartition devra tenir compte des potentialités économiques de chaque région.</p>
ps_mil	Military Power-sharing	<p>Page 6; TITRE IV - DE L'ORGANISATION DES FORCES DE DÉFENSE ET DE SÉCURITÉ; ARTICLE 17</p> <p>A/Unités à statut militaire particulier</p> <p>Il sera créé des unités à statut militaire particulier dans les régions de l'Aïr, l'Azawak et le Kawar. Le statut particulier de ces unités (commandement, gestion des personnels, recrutement, formation, avancement) sera déterminé par des textes réglementaires sur proposition d'une commission interministérielle dont seront membres en outre des représentants de l'ORA. Ces unités auront pour mission d'assurer le maintien de l'ordre et de la sécurité publique. Dans le cadre de leur mission, elles devront agir de façon coordonnée et en complémentarité avec les forces classiques de défense et de sécurité. Le personnel de ces unités sera composé d'éléments démobilisés de l'ORA et de ressortissants des régions concernées.</p> <p>B/Forces Armées Nigériennes et Gendarmerie Nationale</p> <p>Dans le cadre de la restauration de la paix et de la confiance, le Gouvernement s'engage à intégrer dans l'armée des éléments démobilisés de l'ORA qui recevront une formation appropriée. Ces éléments souscriront un engagement conformément aux dispositions réglementaires. En plus, dans le cadre du recrutement annuel, le contingent de recrues, ressortissants de la zone touchée par le conflit, sera revu à la hausse. A cet effet, les textes réglementaires y afférents seront réaménagés. Par ailleurs, la loi 62-10 du 16 mars 1962, sur proposition du Comité interministériel prévu à l'alinéa A/du présent article, sera soumise pour révision à l'Assemblée Nationale.</p>
tj_amn	Amnesty	<p>Page 5; TITRE III - DE LA RESTAURATION DE LA PAIX ET DE LA RÉCONCILIATION NATIONALE; ARTICLE 15</p> <p>Une amnistie générale sera décidée en faveur des éléments de l'ORA et des éléments des Forces de Défense et de Sécurité ainsi que des autres agents de l'État pour tous les actes commis du fait du conflit antérieurement à la date de signature du présent Accord. [...]</p>
tj_pri	Prisoner Release	
tj_hum	Human Rights	<p>Page 1; PRÉAMBULE</p> <p>Le Gouvernement de la République du Niger et l'Organisation de la Résistance Armée (ORA) dénommées les deux Parties dans le cadre du présent Accord, [...] - Respectueux de la Déclaration Universelle des Droits de l'Homme de 1948 et de la Charte Africaine des Droits de l'Homme et des Peuples de 1981, [...]</p>

tj_min	Indigenous & Minority Rights	
tj_wom	Women's Rights & Gender Issues	
tj_civ	Civil & Political Rights	
tj_esc	Economic, Social & Cultural Rights	
tj_vic	Victims & Reparations	<p>Page 5; TITRE III - DE LA RESTAURATION DE LA PAIX ET DE LA RÉCONCILIATION NATIONALE; ARTICLE 15</p> <p>[...] Le Gouvernement instituera une journée commémorative de réconciliation nationale à la mémoire des victimes du conflit et des événements de mai 1990 et prendra des mesures d'apaisement en leur faveur.</p>
tj_ref	Refugees & Internally Displaced Persons	<p>Page 7; TITRE V - DU DÉVELOPPEMENT ÉCONOMIQUE, SOCIAL ET CULTUREL</p> <p>ARTICLE 19</p> <p>En vue de permettre le retour librement consenti et la réinsertion des personnes déplacées, le Gouvernement s'engage, en liaison avec l'ORA, les pays amis et les organisations humanitaires internationales concernées, à mettre en place d'une part des centres d'accueil et d'orientation où le séjour sera des plus brefs possible et d'autre part des sites de réinsertion dans lesquels seront développées des activités socio-économiques adéquates.</p> <p>ARTICLE 20</p> <p>En vue du renforcement et de l'élargissement à la zone touchée par le conflit des actions déjà entreprises dans le cadre des aides d'urgence au plan alimentaire, sanitaire et scolaire prévues dans l'Accord de paix de Ouagadougou du 9 octobre 1994, le Gouvernement s'engage, en liaison avec l'ORA et les populations concernées, à établir, à partir des statistiques disponibles des populations déplacées et de celles déjà en place, les besoins réels d'aide d'urgence à insérer dans un programme global. Ce programme sera soumis par le Gouvernement aux bailleurs de fonds en temps opportun.</p>
tj_tru	Truth & Reconciliation Commission	

tj_rec	Reconciliation	<p>Page 5; TITRE III - DE LA RESTAURATION DE LA PAIX ET DE LA RÉCONCILIATION NATIONALE; ARTICLE 15</p> <p>[...] Le Gouvernement instituera une journée commémorative de réconciliation nationale à la mémoire des victimes du conflit et des événements de mai 1990 et prendra des mesures d'apaisement en leur faveur.</p>
tj_pro	Protection Measures	
tr_con	Constitutional Reform	
tr_leg	Legislative Branch Reform	
tr_exe	Executive Branch Reform	
tr_jud	Judiciary Reform	
tr_adm	Public Administration Reform	<p>Page 2-3; TITRE II - DE L'ORGANISATION TERRITORIALE ET ADMINISTRATIVE</p> <p>ARTICLE 3</p> <p>Le découpage territorial, l'organisation et les pouvoirs des collectivités territoriales seront ceux définis par la loi sur la base des travaux de la commission spéciale chargée de réfléchir sur le découpage administratif de la République du Niger, en conformité avec l'Accord de Paix signé à Ouagadougou le 9 octobre 1994, en ses titres I, II, III ainsi libellés:</p> <p>A/DÉCOUPAGE TERRITORIAL</p> <p>ARTICLE 4</p> <p>La République du Niger est divisée en circonscriptions administratives qui sont:</p> <ul style="list-style-type: none"> - la Région - le Département - l'Arrondissement - la Commune <p>ARTICLE 5</p>

La Région, le Département et la Commune sont érigées en Collectivités territoriales.

ARTICLE 6

La création et les limites des Collectivités territoriales (Régions, Départements, Communes) et celles des Arrondissements sont fixées par la loi sur proposition de la commission spéciale dont seront membres les représentants de la CRA.

B/DE L'ORGANISATION ET DES POUVOIRS DES COLLECTIVITÉS TERRITORIALES

[...]

C/DES REPRÉSENTANTS DE L'ÉTAT: LEURS POUVOIRS

ARTICLE 9

La représentation de l'État sera assurée par:

- un représentant au niveau de la Région
- un représentant dans le Département
- un représentant dans l'Arrondissement - un Maire élu dans la Commune.

La dénomination de ces représentants sera déterminée par la loi.

ARTICLE 10

Les représentants de l'État auront pour mission:

- a) de veiller à l'application des lois et règlements de l'État dans la limite du territoire de l'entité administrative.
- b) d'assurer le contrôle de la légalité a posteriori des décisions et actions des collectivités territoriales.
- c) d'apporter aux collectivités territoriales, à leur demande, conseils et assistance des services techniques de l'État.

Page 4-5; TITRE III - DE LA RESTAURATION DE LA PAIX ET DE LA RÉCONCILIATION NATIONALE; ARTICLE 13

Le Comité Spécial de Paix veillera à l'exécution des opérations de désarmement et de récupération de toutes les armes, munitions et matériel de guerre lorsque le Gouvernement:

[...]

- aura démarré l'intégration, la réintégration, le recrutement d'éléments démobilisés de l'ORA dans l'Administration publique, les Forces de Défense et de Sécurité, les Sociétés d'État, les Lycées et à l'Université et dans les projets de développement.

Page 5; TITRE III - DE LA RESTAURATION DE LA PAIX ET DE LA RÉCONCILIATION NATIONALE; ARTICLE 16

Le Gouvernement procédera à la réintégration à la Fonction Publique et dans les Sociétés d'État, des éléments démobilisés de l'ORA qui avaient le statut de fonctionnaires ou d'agents publics.

[...]

Page 11-12; TITRE V - DU DÉVELOPPEMENT ÉCONOMIQUE, SOCIAL ET CULTUREL; ARTICLE 22; D. Dans le domaine des services

3- Administration publique

Le Gouvernement, soucieux d'une participation active de toutes les composantes de la population nigérienne à la gestion des affaires de l'État et dans le cadre de la consolidation de la paix s'engage à intégrer des éléments démobilisés de l'ORA à tous les niveaux de l'Administration publique selon les critères de compétence et les nécessités de l'État.

Il en sera de même pour les fonctions politiques.

Page 4; TITRE III - DE LA RESTAURATION DE LA PAIX ET DE LA RÉCONCILIATION NATIONALE; ARTICLE 13

Le Comité Spécial de Paix veillera à l'exécution des opérations de désarmement et de récupération de toutes les armes, munitions et matériel de guerre lorsque le Gouvernement:

[...]

- aura adopté le statut des unités à statut militaire particulier avec un calendrier de création et d'organisation de ces unités et aura mis en place ces unités.

[...]

Page 6; TITRE IV - DE L'ORGANISATION DES FORCES DE DÉFENSE ET DE SÉCURITÉ; ARTICLE 17

A/Unités à statut militaire particulier

Il sera créé des unités à statut militaire particulier dans les régions de l'Aïr, l'Azawak et le Kowar.

Le statut particulier de ces unités (commandement, gestion des personnels, recrutement, formation, avancement) sera déterminé par des textes réglementaires sur proposition d'une commission interministérielle dont seront membres en outre des représentants de l'ORA

tr_mil

Military Reform

Ces unités auront pour mission d'assurer le maintien de l'ordre et de la sécurité publique.

Dans le cadre de leur mission, elles devront agir de façon coordonnée et en complémentarité avec les forces classiques de défense et de sécurité.

Le personnel de ces unités sera composé d'éléments démobilisés de l'ORA et de ressortissants des régions concernées

B/Forces Armées Nigériennes et Gendarmerie Nationale

Dans le cadre de la restauration de la paix et de la confiance, le Gouvernement s'engage à intégrer dans l'armée des éléments démobilisés de l'ORA qui recevront une formation appropriée. Ces éléments souscriront un engagement conformément aux dispositions réglementaires.

En plus, dans le cadre du recrutement annuel, le contingent de recrues, ressortissants de la zone touchée par le conflit, sera revu à la hausse.

A cet effet, les textes réglementaires y afférents seront réaménagés.

Par ailleurs, la loi 62-10 du 16 mars 1962, sur proposition du Comité interministériel prévu à l'alinéa A/du présent article, sera soumise pour révision à l'Assemblée Nationale.

[...]

tr_pol

Police Reform

Page 10; TITRE V - DU DÉVELOPPEMENT ÉCONOMIQUE, SOCIAL ET CULTUREL; ARTICLE 22

Sans préjudice des dispositions de l'Article 8 du présent Accord, le Gouvernement s'engage à prendre toutes les dispositions nécessaires en vue de poursuivre et d'accélérer les efforts d'investissements dans la zone pastorale par la mise en œuvre des nouvelles stratégies de développement visant:
[...]

C. Dans le domaine du développement social et culturel

2- Éducation

tr_edu

Education Reform

- adapter les programmes d'enseignement selon les réalités socioculturelles des régions
- promouvoir les langues et écritures nationales, notamment le Tamachek et le Tifinar
- envisager la création d'institutions d'enseignement supérieur dans les régions du Nord
- réhabiliter, construire et multiplier les écoles et cantines scolaires
- former le personnel enseignant
- affecter dans la mesure du possible, dans les régions, le personnel enseignant ressortissant de ces régions pour s'assurer d'une meilleure sensibilisation des populations sur les problèmes de l'éducation afin de résoudre les problèmes inhérents au recrutement scolaire
- accroître le taux de scolarisation.

Page 11; TITRE V - DU DÉVELOPPEMENT ÉCONOMIQUE, SOCIAL ET CULTUREL; ARTICLE 22; D. Dans le domaine des services

tr_med

Media Reform

- 1- Transports et communications
[...]
- la création, dans la mesure du possible, de stations de radio et de télévision régionales émettant en langues nationales et reprenant les principaux programmes nationaux

Page 3-5; TITRE III - DE LA RESTAURATION DE LA PAIX ET DE LA RÉCONCILIATION NATIONALE

ARTICLE 12

[...]
Le Comité aura pour mission:
[...]
3/de veiller à l'exécution des opérations de désarmement et de récupération de toutes les armes, munitions et matériel de guerre.

tr_ddd

Demobilization,
Disarmament &
Reintegration

[...]
A cet effet, il recevra notamment:

- la liste des éléments démobilisés de l'ORA dont il procédera au décompte,

- la liste des armes, munitions et matériel de guerre qui devront être rendus et dont il contrôlera la récupération et le stockage, et décidera de la destination.

ARTICLE 13

Le Comité Spécial de Paix veillera à l'exécution des opérations de désarmement et de récupération de toutes les armes, munitions et matériel de guerre lorsque le Gouvernement:
[...]

- aura démarré l'intégration, la réintégration, le recrutement d'éléments démobilisés de l'ORA dans l'Administration publique, les Forces de Défense et de Sécurité, les Sociétés d'État, les Lycées et à l'Université et dans les projets de développement.

Pour sa part, l'ORA s'engage à désarmer et démobiliser ses éléments.

ARTICLE 14

Le Gouvernement s'engage à mettre fin à l'action de tous groupes et bandes armés (milices, brigades, etc.) susceptibles d'aggraver le climat d'insécurité et de compromettre les efforts de paix.

A cet effet, il procédera à leur désarmement.

ARTICLE 16

Le Gouvernement procédera à la réintégration à la Fonction Publique et dans les Sociétés d'État, des éléments démobilisés de l'ORA qui avaient le statut de fonctionnaires ou d'agents publics.

Le Gouvernement procédera également à la réintégration dans les établissements scolaires et universitaires des éléments démobilisés de l'ORA qui avaient le statut d'élèves ou d'étudiants.

Page 6-7; TITRE IV - DE L'ORGANISATION DES FORCES DE DÉFENSE ET DE SÉCURITÉ; ARTICLE 17

A) Unités à statut militaire particulier

[...]

Le personnel de ces unités sera composé d'éléments démobilisés de l'ORA et de ressortissants des régions concernées

B/Forces Armées Nigériennes et Gendarmerie Nationale

Dans le cadre de la restauration de la paix et de la confiance, le Gouvernement s'engage à intégrer dans l'armée des éléments démobilisés de l'ORA qui recevront une formation appropriée. Ces éléments souscriront un engagement conformément aux dispositions réglementaires.

En plus, dans le cadre du recrutement annuel, le contingent de recrues, ressortissants de la zone touchée par le conflit, sera revu à la hausse.

A cet effet, les textes réglementaires y afférents seront réaménagés.

[...]

C/Forces Paramilitaires

Le Gouvernement intégrera selon les textes en vigueur au sein des Forces Paramilitaires (Gardes Républicaines, Police Nationale, Douane) des éléments démobilisés de l'ORA qui recevront une formation appropriée.

[...]

Page 7; TITRE V - DU DÉVELOPPEMENT ÉCONOMIQUE, SOCIAL ET CULTUREL; ARTICLE 21

Dans le cadre du programme de réinsertion sociale des éléments démobilisés de l'ORA, le Gouvernement prendra des dispositions en vue de leur recrutement dans les projets à haute intensité de main d'œuvre dans la zone touchée par le conflit.

Page 11-12; TITRE V - DU DÉVELOPPEMENT ÉCONOMIQUE, SOCIAL ET CULTUREL; ARTICLE 22

[...]

D. Dans le domaine des services
[...]
3- Administration publique

Le Gouvernement, soucieux d'une participation active de toutes les composantes de la population nigérienne à la gestion des affaires de l'État et dans le cadre de la consolidation de la paix, s'engage à intégrer des éléments démobilisés de l'ORA à tous les niveaux de l'Administration publique selon les critères de compétence et les nécessités de l'État.

Il en sera de même pour les fonctions politiques.

Page 12-13; TITRE V - DU DÉVELOPPEMENT ÉCONOMIQUE, SOCIAL ET CULTUREL; ARTICLE 25

Les dispositions du présent Accord seront mises en œuvre ainsi qu'il suit:

7. 1er juillet 1995: Démarrage de l'Intégration, de la Réintégration et du Recrutement dans les Forces Paramilitaires, les Sociétés d'État, les Lycées, l'Université, l'Administration publique et les projets de développement

13. 1er octobre 1995: Désarmement/démobilisation des éléments de l'ORA

14. 1er octobre 1995: Démarrage de la formation et de l'Intégration des éléments de l'ORA dans les Forces de Défense et de Sécurité

Page 12-13; TITRE V - DU DÉVELOPPEMENT ÉCONOMIQUE, SOCIAL ET CULTUREL; ARTICLE 25

Les dispositions du présent Accord seront mises en œuvre ainsi qu'il suit:

1. 15 avril 1995: Paraphe de l'Accord définitif de Paix à Ouagadougou

2. 24 avril 1995: Signature solennelle de l'Accord définitif de Paix à Niamey

3. 25 avril 1995: Entrée en vigueur du cessez-le-feu définitif à zéro heure (heure de Niamey)

4. 9 mai 1995: Installation du Comité Spécial de Paix

5. 31 mai 1995: Installation de la Commission Interministérielle

6. 30 juin 1995: Adoption du Statut des Unités à Statut Militaire Particulier

7. 1er juillet 1995: Démarrage de l'Intégration, de la Réintégration et du Recrutement dans les Forces Paramilitaires, les Sociétés d'État, les Lycées, l'Université, l'Administration publique et les projets de développement

8. 1er juillet 1995: Installation du Groupe d'Observateurs Militaires

9. 15 juillet 1995: Mise en place de la Loi sur la Décentralisation

10. 15 juillet 1995: Démarrage du Programme d'aide d'urgence et des projets de développement

11. 1er septembre 1995: Début des travaux de détermination des effectifs

12. 1er octobre 1995: Mise en place des Unités à Statut Militaire Particulier

13. 1er octobre 1995: Désarmement/démobilisation des éléments de l'ORA

14. 1er octobre 1995: Démarrage de la formation et de l'Intégration des éléments de l'ORA dans les Forces de Défense et de Sécurité

15. 15 octobre 1995: Table ronde sur le Programme d'urgence
Implementation Timeline Funding by International Entities

NB: Ce calendrier n'étant pas exhaustif, le Comité en déterminera la suite.

tr_tim

Transitional
Timeline

tr_epr	Electoral & Political Party Reform	<p>Page 2; TITRE II - DE L'ORGANISATION TERRITORIALE ET ADMINISTRATIVE; B/DE L'ORGANISATION ET DES POUVOIRS DES COLLECTIVITÉS TERRITORIALES ARTICLE 7</p> <p>Les Collectivités territoriales seront dotées de Conseils ou d'Assemblées, élus au suffrage universel et dont les Présidents élus en leur sein seront les Chefs des exécutifs régionaux, départementaux et communaux.</p>
tr_dev	Socio-Economic Development	<p>Page 1; PRÉAMBULE</p> <p>Le Gouvernement de la République du Niger et l'Organisation de la Résistance Armée (ORA) dénommées les deux Parties dans le cadre du présent Accord, [...] - Convaincus de la nécessité de retrouver et de préserver la paix dans leur pays, de consolider l'unité nationale, et de se consacrer aux tâches de développement socio-économique, [...]</p> <p>Page 5; TITRE III - DE LA RESTAURATION DE LA PAIX ET DE LA RÉCONCILIATION NATIONALE; ARTICLE 13</p> <p>Le Comité Spécial de Paix veillera à l'exécution des opérations de désarmement et de récupération de toutes les armes, munitions et matériel de guerre lorsque le Gouvernement: [...] - aura mis en place avec l'appui des partenaires du Niger l'exécution du programme d'urgence et des stratégies de développement économique, social et culturel prévues dans le présent Accord afin de permettre la création d'emplois dans la zone touchée par le conflit.</p> <p>Page 7; TITRE IV - DE L'ORGANISATION DES FORCES DE DÉFENSE ET DE SÉCURITÉ; ARTICLE 17</p> <p>[...] C) Forces Paramilitaires [...] Pour la protection de l'environnement, de la faune et de la flore, un accent particulier sera mis sur le recrutement du personnel local.</p> <p>Page 7; TITRE V - DU DÉVELOPPEMENT ÉCONOMIQUE, SOCIAL ET CULTUREL</p> <p>ARTICLE 18</p> <p>Dans le cadre de l'application de l'Article 8 du présent Accord, le Gouvernement prendra dans les domaines prévus par la loi, toutes les mesures nécessaires pour assurer aux collectivités territoriales la libre gestion de leurs affaires dans les actions de développement économique, social et culturel d'intérêt régional ou local.</p> <p>ARTICLE 19</p> <p>En vue de permettre le retour librement consenti et la réinsertion des personnes déplacées, le Gouvernement s'engage, en liaison avec l'ORA, les pays amis et les organisations humanitaires internationales concernées, à mettre en place d'une part des centres d'accueil et d'orientation où le séjour sera des plus brefs possible et d'autre part des sites de réinsertion dans lesquels seront développées des activités socio-économiques adéquates.</p> <p>ARTICLE 20</p> <p>En vue du renforcement et de l'élargissement à la zone touchée par le conflit des actions déjà entreprises dans le cadre des aides d'urgence au plan alimentaire, sanitaire et scolaire prévues dans l'Accord de paix de Ouagadougou du 9 octobre 1994, le Gouvernement s'engage, en liaison avec</p>

l'ORA et les populations concernées, à établir, à partir des statistiques disponibles des populations déplacées et de celles déjà en place, les besoins réels d'aide d'urgence à insérer dans un programme global. Ce programme sera soumis par le Gouvernement aux bailleurs de fonds en temps opportun.

ARTICLE 21

Dans le cadre du programme de réinsertion sociale des éléments démobilisés de l'ORA, le Gouvernement prendra des dispositions en vue de leur recrutement dans les projets à haute intensité de main d'œuvre dans la zone touchée par le conflit.

Page 8-11; TITRE V - DU DÉVELOPPEMENT ÉCONOMIQUE, SOCIAL ET CULTUREL; ARTICLE 22

Sans préjudice des dispositions de l'Article 8 du présent Accord, le Gouvernement s'engage à prendre toutes les dispositions nécessaires en vue de poursuivre et d'accélérer les efforts d'investissements dans la zone pastorale par la mise en œuvre des nouvelles stratégies de développement visant:

A. Dans le domaine du développement rural

1- L'élevage

Une politique de rentabilisation de l'élevage prenant en compte:

- la santé animale
- la reconstitution du cheptel
- la commercialisation du bétail et des produits dérivés de l'élevage
- l'implantation d'unités de transformation et de conservation des produits
- une meilleure gestion des pâturages
- l'aménagement des points d'eau et la multiplication des puits pastoraux
- la constitution de banques céréalières.

2- L'agriculture

Une mise en valeur des potentialités agricoles que recèlent les régions en assurant leur exploitation tout au long de l'année et une transformation locale des produits par:

- l'encadrement technique des paysans
- l'appui au service d'encadrement des collectivités
- la commercialisation des produits agricoles
- la lutte contre les ennemis des cultures
- la création des unités de transformation et de conservation des produits agricoles
- l'exploitation des eaux souterraines
- le renforcement des potentialités maraîchères par la mise en exploitation de périmètres hydro-agricoles.

B. Dans le domaine des mines et industries

Les mines resteront une richesse nationale dont les bénéficiaires doivent permettre le développement de toutes les régions. Pour cela, il faut:

- diversifier la production minière
- valoriser les matières premières locales à travers l'industrialisation.
- favoriser le développement de l'économie régionale par la mise en œuvre pour l'ensemble du secteur industriel et minier de mesures incitatives à la création d'emplois en faveur des populations locales qui bénéficieront d'une priorité dans le recrutement.
- transférer aux collectivités territoriales une partie des ressources nationales générées par l'exploitation minière et industrielle. Le taux et les modalités de transfert de ces ressources seront déterminés par la loi sur la décentralisation.

C. Dans le domaine du développement social et culturel

1- Santé

- la réhabilitation des infrastructures déjà existantes
- la construction et l'équipement de nouvelles unités sanitaires la multiplication des pharmacies et des dépôts des médicaments
- la formation du personnel
- la mise en place d'équipes mobiles de santé dans les zones nomades.

2- Éducation

- adapter les programmes d'enseignement selon les réalités socioculturelles des régions
- promouvoir les langues et écritures nationales, notamment le Tamachek et le Tifinar
- envisager la création d'institutions d'enseignement supérieur dans les régions du Nord
- réhabiliter, construire et multiplier les écoles et cantines scolaires
- former le personnel enseignant
- affecter dans la mesure du possible, dans les régions, le personnel enseignant ressortissant de ces régions pour s'assurer d'une meilleure sensibilisation des populations sur les problèmes de l'éducation afin de résoudre les problèmes inhérents au recrutement scolaire
- accroître le taux de scolarisation.

D. Dans le domaine des services

1- Transports et communications

- l'entretien, la gestion et la construction des routes, pistes, aéroports, gares
- l'ouverture et le développement du trafic aérien afin de désenclaver les régions
- l'assouplissement des contrôles et formalités de police
- la création, dans la mesure du possible, de stations de radio et de télévision régionales émettant en langues nationales et reprenant les principaux programmes nationaux
- l'installation des moyens de communication BLU (Bandes Latérales Uniques) dans les centres les plus reculés.

2- Tourisme, Hôtellerie et Artisanat

- envisager la suppression des visas pour les ressortissants de l'Union Européenne
 - mettre en place des vols charters directs
 - assouplir les formalités d'accueil et de circulation des personnes
 - réhabiliter et promouvoir les unités hôtelières
 - prendre les mesures d'accompagnement pour relancer les secteurs du tourisme, de l'hôtellerie et de l'artisanat, générateurs de recettes, devises et emplois.
- [...]

Page 12-13; TITRE V - DU DÉVELOPPEMENT ÉCONOMIQUE, SOCIAL ET CULTUREL

ARTICLE 23

Le Gouvernement organisera une table ronde regroupant les pays amis du Niger et les Organisations Internationales pour le financement du programme économique et social du présent Accord.

ARTICLE 24

Dans le souci d'une meilleure répartition géographique des infrastructures et des équipements, le Gouvernement s'engage à appuyer la politique de décentralisation par une politique d'aménagement du territoire. Cette répartition devra tenir compte des potentialités économiques de chaque région.

ARTICLE 25

Les dispositions du présent Accord seront mises en œuvre ainsi qu'il suit:

[...]

10. 15 juillet 1995: Démarrage du Programme d'aide d'urgence et des projets de développement

tr_cul

Cultural Heritage/
Protections

Page 10-11; TITRE V - DU DÉVELOPPEMENT ÉCONOMIQUE, SOCIAL ET CULTUREL; ARTICLE 22

Sans préjudice des dispositions de l'Article 8 du présent Accord, le Gouvernement s'engage à prendre toutes les dispositions nécessaires en vue de poursuivre et d'accélérer les efforts d'investissements dans la zone

		<p>pastorale par la mise en œuvre des nouvelles stratégies de développement visant: [...]</p> <p>C. Dans le domaine du développement social et culturel [...]</p> <p>2- Éducation - promouvoir les langues et écritures nationales, notamment le Tamachek et le Tifinar [...]</p> <p>3- Culture - la création des centres culturels et musées régionaux valorisant les cultures, l'histoire et les traditions orales - la multiplication d'échanges culturels et sportifs interrégionaux et extérieurs.</p>
tr_fin	Financial Arrangements	
tj_dsm	Dispute Settlement Mechanisms	<p>Page 3-4; TITRE III - DE LA RESTAURATION DE LA PAIX ET DE LA RÉCONCILIATION NATIONALE; ARTICLE 12</p> <p>En vue de l'instauration d'une sécurité définitive, de la restauration et de la consolidation de la paix, les deux Parties décident de créer et d'établir à Niamey, dans les quinze jours qui suivront la signature du présent Accord, un Comité Spécial de Paix composé de chacune des deux Parties sur une base paritaire et de la médiation. L'effectif de ce Comité ne pourra dépasser 20 dont 14 pour les deux Parties.</p> <p>La Présidence du Comité Spécial de Paix sera confiée au Haut Commissaire à la Restauration de la Paix et la Vice-Présidence à un représentant de l'ORA. Les moyens nécessaires au fonctionnement du Comité seront assurés par l'État.</p> <p>Le Comité tiendra des réunions périodiques. Il pourra aussi être convoqué par son Président à la demande de l'une ou l'autre des Parties. Les réunions du Comité feront l'objet de procès-verbaux.</p> <p>Le Comité aura pour mission:</p> <p>1/de veiller à l'application de l'Accord et du calendrier établi par celui-ci.</p> <p>2/de veiller à ce que les dispositions de l'Accord fassent l'objet d'une large diffusion et d'une campagne d'explication auprès des populations nigériennes.</p> <p>3/de veiller à l'exécution des opérations de désarmement et de récupération de toutes les armes, munitions et matériel de guerre.</p> <p>4/de déterminer les effectifs avant le début des intégrations.</p>
ia_ver	Verification & Monitoring Mechanism	
ia_pko	Peacekeeping	

Page 4-5; TITRE III - DE LA RESTAURATION DE LA PAIX ET DE LA RÉCONCILIATION NATIONALE; ARTICLE 13

Le Comité Spécial de Paix veillera à l'exécution des opérations de désarmement et de récupération de toutes les armes, munitions et matériel de guerre lorsque le Gouvernement:

[...]

- aura mis en place avec l'appui des partenaires du Niger l'exécution du programme d'urgence et des stratégies de développement économique, social et culturel prévues dans le présent Accord afin de permettre la création d'emplois dans la zone touchée par le conflit.

[...]

Page 7; TITRE V - DU DÉVELOPPEMENT ÉCONOMIQUE, SOCIAL ET CULTUREL; ARTICLE 19

En vue de permettre le retour librement consenti et la réinsertion des personnes déplacées, le Gouvernement s'engage, en liaison avec l'ORA, les pays amis et les organisations humanitaires internationales concernées, à mettre en place d'une part des centres d'accueil et d'orientation où le séjour sera des plus brefs possible et d'autre part des sites de réinsertion dans lesquels seront développées des activités socio-économiques adéquates.

ia_adv

International
Assistance &
Advice

Page 7; TITRE V - DU DÉVELOPPEMENT ÉCONOMIQUE, SOCIAL ET CULTUREL; ARTICLE 20

En vue du renforcement et de l'élargissement à la zone touchée par le conflit des actions déjà entreprises dans le cadre des aides d'urgence au plan alimentaire, sanitaire et scolaire prévues dans l'Accord de paix de Ouagadougou du 9 octobre 1994, le Gouvernement s'engage, en liaison avec l'ORA et les populations concernées, à établir, à partir des statistiques disponibles des populations déplacées et de celles déjà en place, les besoins réels d'aide d'urgence à insérer dans un programme global. Ce programme sera soumis par le Gouvernement aux bailleurs de fonds en temps opportun.

Page 12; TITRE V - DU DÉVELOPPEMENT ÉCONOMIQUE, SOCIAL ET CULTUREL; ARTICLE 23

Le Gouvernement organisera une table ronde regroupant les pays amis du Niger et les Organisations Internationales pour le financement du programme économique et social du présent Accord.

Page 13; TITRE V - DU DÉVELOPPEMENT ÉCONOMIQUE, SOCIAL ET CULTUREL; ARTICLE 25

Les dispositions du présent Accord seront mises en œuvre ainsi qu'il suit:

[...]

15. 15 octobre 1995: Table ronde sur le Programme d'urgence

BASIC AGREEMENT ON THE REGION OF EASTERN SLAVONIA, BARANJA AND WESTERN SIRMIUM (ERDUT AGREEMENT)

ps_pol	Political Power-sharing	<p>Page 4; 12.</p> <p>Not later than 30 days before the end of the transitional period, elections for all local government bodies, including for municipalities, districts and counties, as well as the right of the Serbian community to appoint a joint council of municipalities, shall be organized by the Transitional Administration. International organizations and institutions (e.g. the Organization for Security and Cooperation in Europe, the United Nations) and interested States are requested to oversee the elections.</p>
ps_eco	Economic Power-sharing	
ps_mil	Military Power-sharing	
tj_amn	Amnesty	
tj_pri	Prisoner Release	
tj_hum	Human Rights	<p>Page 3; 6.</p> <p>The highest levels of internationally recognized human rights and fundamental freedoms shall be respected in the region.</p> <p>Page 4; 10.</p> <p>Interested countries and organizations are requested to take appropriate steps to promote the accomplishment of the commitments in this Agreement. After the expiration of the transition period and consistent with established practice, the international community shall monitor and report on respect for human rights in the Region on a long term basis.</p> <p>Page 4; 11.</p> <p>In addition, interested countries and organizations are requested to establish a commission, which will be authorized to monitor the implementation of this agreement, particularly its human rights and civil rights provisions, to investigate all allegations of violations of this agreement, and to make appropriate recommendations.</p>

tj_min	Indigenous & Minority Rights	
tj_wom	Women's Rights & Gender Issues	
tj_civ	Civil & Political Rights	
tj_esc	Economic, Social & Cultural Rights	<p>Page 4; 8.</p> <p>All persons shall have the right to have restored to them any property that was taken from them by unlawful acts or that they were forced to abandon and to just compensation for property that cannot be restored to them.</p> <p>Page 4; 9.</p> <p>The right to recover property, to receive compensation for property that cannot be returned and to receive assistance in reconstruction of damaged property shall be equally available to all persons without regard to ethnicity</p>
tj_vic	Victims & Reparations	<p>Page 4; 8.</p> <p>All persons shall have the right to have restored to them any property that was taken from them by unlawful acts or that they were forced to abandon and to just compensation for property that cannot be restored to them.</p> <p>Page 4; 9.</p> <p>The right to recover property, to receive compensation for property that cannot be returned, and to receive assistance in reconstruction of damaged property shall be equally available to all persons without regard to ethnicity.</p>
tj_ref	Refugees & Internally Displaced Persons	<p>Page 3; 4.</p> <p>The Transitional Administration shall ensure the possibility for the return of refugees and displaced persons to their homes of origin. All persons who have left the region or who have come to the region with previous permanent residence in Croatia shall enjoy the same rights as all other residents of the region. [...]</p> <p>Page 4; 7.</p> <p>All persons have the right to return freely to their place of residence in the region and to live there in conditions of security. All persons who have left the</p>

region or who have come to the region with previous permanent residence in Croatia have the right to live in the region.

Page 4; 8.

All persons shall have the right to have restored to them any property that was taken from them by unlawful acts or that they were forced to abandon and to just compensation for property that cannot be restored to them.

Page 4; 9.

The right to recover property, to receive compensation for property that cannot be returned, and to receive assistance in reconstruction of damaged property shall be equally available to all persons without regard to ethnicity.

tj_tru	Truth & Reconciliation Commission
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tj_rec	Reconciliation
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tj_pro	Protection Measures
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tr_con	Constitutional Reform
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tr_leg	Legislative Branch Reform
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tr_exe	Executive Branch Reform
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tr_jud	Judiciary Reform
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tr_adm	Public Administration Reform	Page 3; 4. [...] The Transitional Administration shall also take the steps necessary to re-establish the normal functioning of all public services in the region without delay.
tr_mil	Military Reform	
tr_pol	Police Reform	Page 3; 5. The Transitional Administration shall help to establish and train temporary police forces, to build professionalism among the police and confidence among all ethnic communities.
tr_edu	Education Reform	
tr_med	Media Reform	
tr_ddd	Demobilization, Disarmament & Reintegration	Page 3; 3. [...] The region shall be demilitarized according to the schedule and procedures determined by the international force. This demilitarization shall be completed not later than 30 days after deployment of the international force and shall include all military forces, weapons and police, except for the international force and for police operating under the supervision of, or with the consent of, the Transitional Administration.
tr_tim	Transitional Timeline	Page 3; 1. There shall be a transitional period of 12 months which may be extended at most to another period of the same duration if so requested by one of the parties. Page 3; 3. [...] The Region shall be demilitarized according to the schedule and procedures determined by the international force. This demilitarization shall be completed not later than 30 days after deployment of the international force and shall include all military forces, weapons, and police, except for the international force and for police operating under the supervision of, or with the consent of, the Transitional Administration.
tr_epr	Electoral & Political Party Reform	Page 4; 12. Not later than 30 days before the end of the transitional period, elections for all local government bodies, including for municipalities, districts and counties, as well as the right of the Serbian community to appoint a joint council of municipalities, shall be organized by the Transitional Administration.

		International organizations and institutions (e.g. the Organization for Security and Cooperation in Europe, the United Nations) and interested States are requested to oversee the elections.
tr_dev	Socio-Economic Development	<p>Page 3; 4.</p> <p>[...] The Transitional Administration shall also take the steps necessary to reestablish the normal functioning of all public services in the Region without delay.</p> <p>Page 4; 9.</p> <p>[...] and to receive assistance in reconstruction of damaged property shall be equally available to all persons without regard to ethnicity.</p>
tr_cul	Cultural Heritage/ Protections	
tr_fin	Financial Arrangements	
tj_dsm	Dispute Settlement Mechanisms	
ia_ver	Verification & Monitoring Mechanism	<p>Page 4; 10.</p> <p>Interested countries and organizations are requested to take appropriate steps to promote the accomplishment of the commitments in this agreement. After the expiration of the transition period and consistent with established practice, the international community shall monitor and report on respect for human rights in the region on a long-term basis.</p> <p>Page 4; 11.</p> <p>In addition, interested countries and organizations are requested to establish a commission, which will be authorized to monitor the implementation of this agreement, particularly its human rights and civil rights provisions, to investigate all allegations of violations of this agreement, and to make appropriate recommendations.</p> <p>Page 4; 13.</p> <p>The Government of the Republic of Croatia shall cooperate fully with the Transitional Administration and the international force. During the transitional period the Croatian Government authorizes the presence of international monitors along the international border of the region in order to facilitate free movement of persons across existing border crossings.</p>

<p>ia_pko Peacekeeping</p>	<p>Page 3; 3.</p> <p>The United Nations Security Council is requested to authorize an international force to deploy during the transitional period to maintain peace and security in the region and otherwise to assist in implementation of this agreement. The region shall be demilitarized according to the schedule and procedures determined by the international force. This demilitarization shall be completed not later than 30 days after deployment of the international force and shall include all military forces, weapons and police, except for the international force and for police operating under the supervision of, or with the consent of, the Transitional Administration.</p> <p>Page 4; 12.</p> <p>[...] International organizations and institutions (e.g. the Organization for Security and Cooperation in Europe, the United Nations) and interested States are requested to oversee the elections.</p> <p>Page 4; 13.</p> <p>The Government of the Republic of Croatia shall cooperate fully with the Transitional Administration and the international force. [...]</p>
<p>ia_adv International Assistance & Advice</p>	<p>Page 3; 3.</p> <p>The United Nations Security Council is requested to authorize an international force to deploy during the transitional period to maintain peace and security in the region and otherwise to assist in implementation of this agreement. [...]</p> <p>Page 4; 10.</p> <p>Interested countries and organizations are requested to take appropriate steps to promote the accomplishment of the commitments in this agreement. After the expiration of the transition period and consistent with established practice, the international community shall monitor and report on respect for human rights in the region on a long-term basis.</p> <p>Page 4; 11.</p> <p>In addition, interested countries and organizations are requested to establish a commission, which will be authorized to monitor the implementation of this agreement, particularly its human rights and civil rights provisions, to investigate all allegations of violations of this agreement, and to make appropriate recommendations.</p> <p>Page 4; 12.</p> <p>[...] International organizations and institutions (e.g., the Organization for Security and Cooperation in Europe, the United Nations) and interested states are requested to oversee the elections.</p>

GENERAL FRAMEWORK AGREEMENT FOR PEACE IN BOSNIA AND HERZEGOVINA (DAYTON AGREEMENT)

Page 60; Annex 4: Constitution of Bosnia and Herzegovina; Article I: Bosnia and Herzegovina

3. Composition.

Bosnia and Herzegovina shall consist of the two Entities, the Federation of Bosnia and Herzegovina and the Republika Srpska (hereinafter "the Entities").

Page 63, Annex 4: Constitution of Bosnia and Herzegovina; Article III: Responsibilities of and Relations Between The Institutions of Bosnia and Herzegovina And the Entities

1. Responsibilities of the Institutions of Bosnia and Herzegovina.

The following matters are the responsibility of the institutions of Bosnia and Herzegovina:

- (a) Foreign policy.
- (b) Foreign trade policy.
- (c) Customs policy.
- (d) Monetary policy as provided in Article VII.
- (e) Finances of the institutions and for the international obligations of Bosnia and Herzegovina.
- (f) Immigration, refugee, and asylum policy and regulation.
- (g) International and inter-Entity criminal law enforcement, including relations with Interpol.
- (h) Establishment and operation of common and international communications facilities.
- (i) Regulation of inter-Entity transportation,
- (j) Air traffic control.

ps_pol

Political Power-sharing

Page 64; Annex 4: Constitution of Bosnia and Herzegovina; Article IV: Responsibilities of the Entities

2. Responsibilities of the Entities.

(a) The Entities shall have the right to establish special parallel relationships with neighboring states consistent with the sovereignty and territorial integrity of Bosnia and Herzegovina.

(b) Each Entity shall provide all necessary assistance to the government of Bosnia and Herzegovina in order to enable it to honor the international obligations of Bosnia and Herzegovina, provided that financial obligations incurred by one Entity without the consent of the other prior to the election of the Parliamentary Assembly and Presidency of Bosnia and Herzegovina shall be the responsibility of that Entity, except insofar as the obligation is necessary for continuing the membership of Bosnia and Herzegovina in an international organization.

(c) The Entities shall provide a safe and secure environment for all persons in their respective jurisdictions, by maintaining civilian law enforcement agencies operating in accordance with internationally recognized standards and with respect for the internationally recognized human rights and fundamental freedoms referred to in Article II above, and by taking such other measures as appropriate.

(d) Each Entity may also enter into agreements with states and international organizations with the consent of the Parliamentary Assembly. The Parliamentary Assembly may provide by law that certain types of agreements do not require such consent.

Page 64; Annex 4: Constitution of Bosnia and Herzegovina; Article III: Responsibilities of and Relations Between The Institutions of Bosnia and Herzegovina And the Entities

3. Law and Responsibilities of the Entities and the Institutions

(a) All governmental functions and powers not expressly assigned in this Constitution to the institutions of Bosnia and Herzegovina shall be those of the Entities.

(b) The Entities and any subdivisions thereof shall comply fully with this Constitution, which supersedes inconsistent provisions of the law of Bosnia and Herzegovina and of the constitutions and law of the Entities, and with the decisions of the institutions of Bosnia and Herzegovina. The general principles of international law shall be an integral part of the law of Bosnia and Herzegovina, and the Entities.

Page 64; Annex 4: Constitution of Bosnia and Herzegovina; Article III: Responsibilities of and Relations Between The Institutions of Bosnia and Herzegovina And the Entities

4. Coordination

The Presidency may decide to facilitate inter-Entity coordination on matters not within the responsibilities of Bosnia and Herzegovina as provided in this Constitution, unless an Entity objects in any particular case.

Page 65-67; Annex 4: Constitution of Bosnia and Herzegovina; Article IV: Parliamentary Assembly

The Parliamentary Assembly shall have two chambers: the House of Peoples and the House of Representatives.

1. House of Peoples.

The House of Peoples shall comprise 15 Delegates, two-thirds from the Federation (including five Croats and five Bosniacs) and one-third from the Republika Srpska (five Serbs).

(a) The designated Croat and Bosniac Delegates from the Federation shall be selected, respectively, by the Croat and Bosniac Delegates to the House of Peoples of the Federation. Delegates from the Republika Srpska shall be selected by the National Assembly of the Republika Srpska.

(b) Nine members of the House of Peoples shall comprise a quorum, provided that at least three Bosniac, three Croat, and three Serb Delegates are present.

2. House of Representatives.

The House of Representatives shall comprise 42 Members, two-thirds elected from the territory of the Federation, one-third from the territory of the Republika Srpska.

(a) Members of the House of Representatives shall be directly elected from their Entity in accordance with an election law to be adopted by the Parliamentary Assembly. The first election, however, shall take place in accordance with Annex 3 to the General Framework Agreement.

(b) A majority of all members elected to the House of Representatives shall comprise a quorum.

3. Procedures.

(a) Each chamber shall be convened in Sarajevo not more than 30 days after its selection or election.

(b) Each chamber shall by majority vote adopt its internal rules and select from its members one Serb, one Bosniac, and one Croat to serve as its Chair and Deputy Chairs, with the position of Chair rotating among the three persons selected.

(c) All legislation shall require the approval of both chambers.

(d) All decisions in both chambers shall be by majority of those present and voting. The Delegates and Members shall make their best efforts to see that

the majority includes at least one-third of the votes of Delegates or Members from the territory of each Entity. If a majority vote does not include one-third of the votes of Delegates or Members from the territory of each Entity, the Chair and Deputy Chairs shall meet as a commission and attempt to obtain approval within three days of the vote. If those efforts fail, decisions shall be taken by a majority of those present and voting, provided that the dissenting votes do not include two-thirds or more of the Delegates or Members elected from either Entity.

(e) A proposed decision of the Parliamentary Assembly may be declared to be destructive of a vital interest of the Bosniac, Croat, or Serb people by a majority of, as appropriate, the Bosniac, Croat, or Serb Delegates selected in accordance with paragraph 1(a) above. Such a proposed decision shall require for approval in the House of Peoples a majority of the Bosniac, of the Croat, and of the Serb Delegates present and voting.

(f) When a majority of the Bosniac, of the Croat, or of the Serb Delegates objects to the invocation of paragraph (e), the Chair of the House of Peoples shall immediately convene a Joint Commission comprising three Delegates, one each selected by the Bosniac, by the Croat, and by the Serb Delegates, to resolve the issue. If the Commission fails to do so within five days, the matter will be referred to the Constitutional Court, which shall in an expedited process review it for procedural regularity.

(g) The House of Peoples may be dissolved by the Presidency or by the House itself, provided that the House's decision to dissolve is approved by a majority that includes the majority of Delegates from at least two of the Bosniac, Croat, or Serb peoples. The House of Peoples elected in the first elections after the entry into force of this Constitution may not, however, be dissolved.

(h) Decisions of the Parliamentary Assembly shall not take effect before publication.

(i) Both chambers shall publish a complete record of their deliberations and shall, save in exceptional circumstances in accordance with their rules, deliberate publicly.

(j) Delegates and Members shall not be held criminally or civilly liable for any acts carried out within the scope of their duties in the Parliamentary Assembly.

4. Powers.

The Parliamentary Assembly shall have responsibility for:

(a) Enacting legislation as necessary to implement decisions of the Presidency or to carry out the responsibilities of the Assembly under this Constitution.

(b) Deciding upon the sources and amounts of revenues for the operations of the institutions of Bosnia and Herzegovina and international obligations of Bosnia and Herzegovina.

(c) Approving a budget for the institutions of Bosnia and Herzegovina.

(d) Deciding whether to consent to the ratification of treaties.

(e) Such other matters as are necessary to carry out its duties or as are assigned to it by mutual agreement of the Entities.

Page 67-70; Annex 4: Constitution of Bosnia and Herzegovina, Article V: Presidency

The Presidency of Bosnia and Herzegovina shall consist of three Members: one Bosniac and one Croat, each directly elected from the territory of the Federation, and one Serb directly elected from the territory of the Republika Srpska.

1. Election and Term.

(a) Members of the Presidency shall be directly elected in each Entity (with each voter voting to fill one seat on the Presidency) in accordance with an

election law adopted by the Parliamentary Assembly. The first election, however, shall take place in accordance with Annex 3 to the General Framework Agreement. Any vacancy in the Presidency shall be filled from the relevant Entity in accordance with a law to be adopted by the Parliamentary Assembly.

(b) The term of the Members of the Presidency elected in the first election shall be two years; the term of Members subsequently elected shall be four years. Members shall be eligible to succeed themselves once and shall thereafter be ineligible for four years.

2. Procedures.

(a) The Presidency shall determine its own rules of procedure, which shall provide for adequate notice of all meetings of the Presidency.

(b) The Members of the Presidency shall appoint from their Members a Chair. For the first term of the Presidency, the Chair shall be the Member who received the highest number of votes. Thereafter, the method of selecting the Chair, by rotation or otherwise, shall be determined by the Parliamentary Assembly, subject to Article IV(3).

(c) The Presidency shall endeavor to adopt all Presidency Decisions (i.e., those concerning matters arising under Article III(1)(a) - (e)) by consensus. Such decisions may, subject to paragraph (d) below, nevertheless be adopted by two Members when all efforts to reach consensus have failed.

(d) A dissenting Member of the Presidency may declare a Presidency Decision to be destructive of a vital interest of the Entity from the territory from which he was elected, provided that he does so within three days of its adoption. Such a Decision shall be referred immediately to the National Assembly of the Republika Srpska, if the declaration was made by the Member from that territory; to the Bosniac Delegates of the House of Peoples of the Federation, if the declaration was made by the Bosniac Member; or to the Croat Delegates of that body, if the declaration was made by the Croat Member. If the declaration is confirmed by a two-thirds vote of those persons within ten days of the referral, the challenged Presidency Decision shall not take effect.

3. Powers.

The Presidency shall have responsibility for:

(a) Conducting the foreign policy of Bosnia and Herzegovina.

(b) Appointing ambassadors and other international, representatives of Bosnia and Herzegovina, no more than two-thirds of whom may be selected from the territory of the Federation.

(c) Representing Bosnia and Herzegovina in international and European organizations and institutions and seeking membership in such organizations and institutions of which Bosnia and Herzegovina is not a member.

(d) Negotiating, denouncing, and, with the consent of the Parliamentary Assembly, ratifying treaties of Bosnia and Herzegovina.

(e) Executing decisions of the Parliamentary Assembly.

(f) Proposing, upon the recommendation of the Council of Ministers, an annual budget to the Parliamentary Assembly.

(g) Reporting as requested, but not less than annually, to the Parliamentary Assembly on expenditures by the Presidency.

(h) Coordinating as necessary with international and nongovernmental organizations in Bosnia and Herzegovina.

(i) Performing such other functions as may be necessary to carry out its duties, as may be assigned to it by the Parliamentary Assembly, or as may be agreed by the Entities.

4. Council of Ministers.

The Presidency shall nominate the Chair of the Council of Ministers, who shall take office upon the approval of the House of Representatives. The Chair shall nominate a Foreign Minister, a Minister for Foreign Trade, and other Ministers as may be appropriate, who shall take office upon the approval of the House of Representatives.

(a) Together the Chair and the Ministers shall constitute the Council of Ministers, with responsibility for carrying out the policies and decisions of Bosnia and Herzegovina in the fields referred to in Article III (1), (4), and (5) and reporting to the Parliamentary Assembly (including, at least annually, on expenditures by Bosnia and Herzegovina).

(b) No more than two-thirds of all Ministers may be appointed from the territory of the Federation. The Chair shall also nominate Deputy Ministers (who shall not be of the same constituent people as their Ministers), who shall take office upon the approval of the House of Representatives.

(c) The Council of Ministers shall resign if at any time there is a vote of no-confidence by the Parliamentary Assembly.

5. Standing Committee.

(a) Each member of the Presidency shall, by virtue of the office, have civilian command authority over armed forces. Neither Entity shall threaten or use force against the other Entity, and under no circumstances shall any armed forces of either Entity enter into or stay within the territory of the other Entity without the consent of the government of the latter and of the Presidency of Bosnia and Herzegovina. All armed forces in Bosnia and Herzegovina shall operate consistently with the sovereignty and territorial integrity of Bosnia and Herzegovina.

(b) The members of the Presidency shall select a Standing Committee on Military Matters to coordinate the activities of armed forces in Bosnia and Herzegovina. The Members of the Presidency shall be members of the Standing Committee.

Page 70-71; Annex 4: Constitution of Bosnia and Herzegovina; Article VI: Constitutional Court

1. Composition.

The Constitutional Court of Bosnia and Herzegovina shall have nine members.

(a) Four members shall be selected by the House of Representatives of the Federation, and two members by the Assembly of the Republika Srpska. The remaining three members shall be selected by the President of the European Court of Human Rights after consultation with the Presidency.

(b) Judges shall be distinguished jurists of high moral standing. Any eligible voter so qualified may serve as a judge of the Constitutional Court. The judges selected by the President of the European Court of Human Rights shall not be citizens of Bosnia and Herzegovina or of any neighboring state.

(c) The term of judges initially appointed shall be five years, unless they resign or are removed for cause by consensus of the other judges. Judges initially appointed shall not be eligible for reappointment. Judges subsequently appointed shall serve until age 70, unless they resign or are removed for cause by consensus of the other judges.

(d) For appointments made more than five years after the initial appointment of judges, the Parliamentary Assembly may provide by law for a different method of selection of the three judges selected by the President of the European Court of Human Rights.

Page 72; Annex 4: Constitution of Bosnia and Herzegovina; Article VII: Central Bank

[...]

2. The first Governing Board of the Central Bank shall consist of a Governor appointed by the International Monetary Fund, after consultation with the Presidency, and three members appointed by the Presidency, two from the Federation (one Bosniac, one Croat, who shall share one vote) and one from the Republika Srpska, all of whom shall serve a six-year term. The Governor, who shall not be a citizen of Bosnia and Herzegovina or any neighboring state, may cast tie-breaking votes on the Governing Board.

[...]

Page 76; Annex 4: Constitution of Bosnia and Herzegovina; Annex II: Transitional Arrangements

1. Joint Interim Commission.

(a) The Parties hereby establish a Joint Interim Commission with a mandate to discuss practical questions related to the implementation of the Constitution of Bosnia and Herzegovina and of the General Framework Agreement and its Annexes, and to make recommendations and proposals.

(b) The Joint Interim Commission shall be composed of four persons from the Federation, three persons from the Republika Srpska, and one representative of Bosnia and Herzegovina.

[...]

Page 81; Annex 5: Agreement On Arbitration

The Federation of Bosnia and Herzegovina and the Republika Srpska agree to honor the following obligations as set forth in the Agreed Basic Principles adopted at Geneva on September 8, 1995, by the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia, the latter representing also the Republika Srpska:

Paragraph 2.4. "The two entities will enter into reciprocal commitments... (c) to engage in binding arbitration to resolve disputes between them."

Paragraph 3. "The entities have agreed in principle to the following:... 3.5 The design and implementation of a system of arbitration for the solution of disputes between the two entities."

Page 72; Annex 4: Constitution of Bosnia and Herzegovina; Article VII: Central Bank

There shall be a Central Bank of Bosnia and Herzegovina, which shall be the sole authority for issuing currency and for monetary policy throughout Bosnia and Herzegovina.

1. The Central Bank's responsibilities will be determined by the Parliamentary Assembly. For the first six years after the entry into force of this Constitution, however, it may not extend credit by creating money, operating in this respect as a currency board; thereafter, the Parliamentary Assembly may give it that authority.

2. The first Governing Board of the Central Bank shall consist of a Governor appointed by the International Monetary Fund, after consultation with the Presidency, and three members appointed by the Presidency, two from the Federation (one Bosniac, one Croat, who shall share one vote) and one from the Republika Srpska, all of whom shall serve a six-year term. The Governor, who shall not be a citizen of Bosnia and Herzegovina or any neighboring state, may cast tie-breaking votes on the Governing Board.

3. Thereafter, the Governing Board of the Central Bank of Bosnia and Herzegovina shall consist of five persons appointed by the Presidency for a term of six years. The Board shall appoint, from among its members, a Governor for a term of six years.

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Economic Power-sharing

Page 72-73; Annex 4: Constitution of Bosnia and Herzegovina; Article VIII: Finances

1. The Parliamentary Assembly shall each year, on the proposal of the Presidency, adopt a budget covering the expenditures required to carry out the responsibilities of the institutions of Bosnia and Herzegovina and the international obligations of Bosnia and Herzegovina.
2. If no such budget is adopted in due time, the budget for the previous year shall be used on a provisional basis.
3. The Federation shall provide two-thirds, and the Republika Srpska one-third, of the revenues required by the budget, except insofar as revenues are raised as specified by the Parliamentary Assembly.

Page 21-22; Annex 1-A: Agreement on the Military Aspects of the Peace Settlement; Article VIII: Establishment of a Joint Military Commission

1. A Joint Military Commission (the "Commission") shall be established with the deployment of the IFOR to Bosnia and Herzegovina.
2. The Commission shall:
 - (a) Serve as the central body for all Parties to this Annex to bring any military complaints, questions, or problems that require resolution by the IFOR Commander, such as allegations of cease-fire violations or other noncompliance with this Annex.
 - (b) Receive reports and agree on specific actions to ensure compliance with the provisions of this Annex by the Parties.
 - (c) Assist the IFOR Commander in determining and implementing a series of local transparency measures between the Parties.
3. The Commission shall be chaired by the IFOR Commander or his or her representative and consist of the following members:
 - (a) the senior military commander of the forces of each Party within Bosnia and Herzegovina;
 - (b) other persons as the Chairman may determine;
 - (c) each Party to this Annex may also select two civilians who shall advise the Commission in carrying out its duties;
 - (d) the High Representative referred to in the General Framework Agreement or his or her nominated representative shall attend Commission meetings, and offer advice particularly on matters of a political-military nature.
4. The Commission shall not include any persons who are now or who come under indictment by the International Tribunal for the Former Yugoslavia.
5. The Commission shall function as a consultative body for the IFOR Commander. To the extent possible, problems shall be solved promptly by mutual agreement. However, all final decisions concerning its military matters shall be made by the IFOR Commander.
6. The Commission shall meet at the call of the IFOR Commander. The High Representative may when necessary request a meeting of the Commission. The Parties may also request a meeting of the Commission.
[...]
8. The Commission shall establish subordinate military commissions for the purpose of providing assistance in carrying out the functions described above. Such commissions shall be at the brigade and battalion level or at other echelons as the local IFOR Commander shall direct and be composed of commanders from each of the Parties and the IFOR. The representatives of the High Representative shall attend and offer advice particularly on matters of a political-military nature. The local IFOR Commander shall invite local civilian authorities when appropriate.
9. Appropriate liaison arrangements will be established between the IFOR Commander and the High Representative to facilitate the discharge of their respective responsibilities.

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Military Power-sharing

<p>tj_amn</p> <p>Amnesty</p>	<p>Page 97; Annex 7: Agreement on Refugees and Displaced Persons; Chapter One: Protection; Article VI: Amnesty</p> <p>Any returning refugee or displaced person charged with a crime, other than a serious violation of international humanitarian law as defined in the Statute of the International Tribunal for the Former Yugoslavia since January 1, 1991 or a common crime unrelated to the conflict, shall upon return enjoy an amnesty. In no case shall charges for crimes be imposed for political or other inappropriate reasons or to circumvent the application of the amnesty.</p>
<p>tj_pri</p> <p>Prisoner Release</p>	<p>Page 22-23; Annex 1-A: Agreement on the Military Aspects of the Peace Settlement; Article IX: Prisoner Exchanges</p> <p>1. The Parties shall release and transfer without delay all combatants and civilians held in relation to the conflict (hereinafter “prisoners”), in conformity with international humanitarian law and the provisions of this Article.</p> <p>a. The Parties shall be bound by and implement such plan for release and transfer of all prisoners as may be developed by the ICRC, after consultation with the Parties.</p> <p>b. The Parties shall cooperate fully with the ICRC and facilitate its work in implementing and monitoring the plan for release and transfer of prisoners.</p> <p>c. No later than thirty (30) days after the Transfer of Authority, the Parties shall release and transfer all prisoners held by them.</p> <p>d. In order to expedite this process, no later than twenty-one (21) days after this Annex enters into force, the Parties shall draw up comprehensive lists of prisoners and shall provide such lists to the ICRC, to the other Parties, and to the Joint Military Commission and the High Representative. These lists shall identify prisoners by nationality, name, rank (if any) and any internment or military serial number, to the extent applicable.</p> <p>e. The Parties shall ensure that the ICRC enjoys full and unimpeded access to all places where prisoners are kept and to all prisoners. The Parties shall permit the ICRC to privately interview each prisoner at least forty-eight (48) hours prior to his or her release for the purpose of implementing and monitoring the plan, including determination of the onward destination of each prisoner.</p> <p>f. The Parties shall take no reprisals against any prisoner or his/her family in the event that a prisoner refuses to be transferred.</p> <p>g. Notwithstanding the above provisions, each Party shall comply with any order or request of the International Tribunal for the Former Yugoslavia for the arrest, detention, surrender of or access to persons who would otherwise be released and transferred under this Article, but who are accused of violations within the jurisdiction of the Tribunal. Each Party must detain persons reasonably suspected of such violations for a period of time sufficient to permit appropriate consultation with Tribunal authorities.</p> <p>2. In those cases where places of burial, whether individual or mass, are known as a matter of record, and graves are actually found to exist, each Party shall permit graves registration personnel of the other Parties to enter, within a mutually agreed period of time, for the limited purpose of proceeding to such graves, to recover and evacuate the bodies of deceased military and civilian personnel of that side, including deceased prisoners.</p>
<p>tj_hum</p> <p>Human Rights</p>	<p>Page 4; General Framework Agreement for Peace in Bosnia and Herzegovina; Article VII</p> <p>Recognizing that the observance of human rights and the protection of refugees and displaced persons are of vital importance in achieving a lasting peace, the Parties agree to and shall comply fully with the provisions concerning human rights set forth in Chapter One of the Agreement at Annex 6, as well as the provisions concerning refugees and displaced persons set forth in Chapter One of the Agreement at Annex 7.</p>

Page 9; Annex 1-A: Agreement on the Military Aspects of the Peace Settlement; Article II: Cessation of Hostilities

3. The Parties shall provide a safe and secure environment for all persons in their respective jurisdictions, by maintaining civilian law enforcement agencies operating in accordance with internationally recognized standards and with respect for internationally recognized human rights and fundamental freedoms, and by taking such other measures as appropriate. [...]

Page 59; Annex 4: Constitution of Bosnia and Herzegovina; Preamble

Based on respect for human dignity, liberty, and equality,
[...]

Determined to ensure full respect for international humanitarian law,

Inspired by the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, as well as other human rights instruments,

Page 60; Annex 4: Constitution of Bosnia and Herzegovina; Article I: Bosnia and Herzegovina, 7. Citizenship

There shall be a citizenship of Bosnia and Herzegovina, to be regulated by the Parliamentary Assembly, and a citizenship of each Entity, to be regulated by each Entity, provided that:

(b) No person shall be deprived of Bosnia and Herzegovina or Entity citizenship arbitrarily or so as to leave him or her stateless. No person shall be deprived of Bosnia and Herzegovina or Entity citizenship on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Page 61; Annex 4: Constitution of Bosnia and Herzegovina; Article II: Human Right and Fundamental Freedoms; 1. Human Rights

Bosnia and Herzegovina and both Entities shall ensure the highest level of internationally recognized human rights and fundamental freedoms. To that end, there shall be a Human Rights Commission for Bosnia and Herzegovina as provided for in Annex 6 to the General Framework Agreement.

Page 61; Annex 4: Constitution of Bosnia and Herzegovina; Article II: Human Rights and Fundamental Freedoms; 2. International Standards

The rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Bosnia and Herzegovina. These shall have priority over all other law.

Page 61-62; Annex 4: Constitution of Bosnia and Herzegovina; Article II: Human Rights and Fundamental Freedoms; 3. Enumeration of Rights

All persons within the territory of Bosnia and Herzegovina shall enjoy the human rights and fundamental freedoms referred to in paragraph 2 above, these include:

- (a) The right to life.
- (b) The right not to be subjected to torture or to inhuman or degrading treatment or punishment.
- (c) The right not to be held in slavery or servitude or to perform forced or compulsory labor.
- (d) The rights to liberty and security of person.
- (e) The right to a fair hearing in civil and criminal matters, and other rights relating to criminal proceedings.

- (f) The right to private and family life, home, and correspondence.
- (g) Freedom of thought, conscience, and religion,
- (h) Freedom of expression.
- (i) Freedom of peaceful assembly and freedom of association with others.
- (j) The right to marry and to found a family.
- (k) The right to property.
- (1) The right to education.
- (m) The right to liberty of movement and residence.

Page 62; Annex 4: Constitution of Bosnia and Herzegovina; Article II: Human Right and Fundamental Freedoms; 4. Non-Discrimination

The enjoyment of the rights and freedoms provided for in this Article or in the international agreements listed in Annex I to this Constitution shall be secured to all persons in Bosnia and Herzegovina without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Page 62; Annex 4: Constitution of Bosnia and Herzegovina; Article II: Human Right and Fundamental Freedoms; 6. Implementation

Bosnia and Herzegovina, and all courts, agencies, governmental organs, and instrumentalities operated by or within the Entities, shall apply and conform to the human rights and fundamental freedoms referred to in paragraph 2 above.

Page 64; Annex 4: Constitution of Bosnia and Herzegovina; Article III: Responsibilities of and Relations Between The Institutions of Bosnia and Herzegovina And the Entities; 2. Responsibilities of the Entities

(c) The Entities shall provide a safe and secure environment for all persons in their respective jurisdictions, by maintaining civilian law enforcement agencies operating in accordance with internationally recognized standards and with respect for the internationally recognized human rights and fundamental freedoms referred to in Article II above, and by taking such other measures as appropriate.

Page 71-72; Annex 4: Constitution of Bosnia and Herzegovina; Article VI: Constitutional Court; 3. Jurisdiction

(c) The Constitutional Court shall have jurisdiction over issues referred by any court in Bosnia and Herzegovina concerning whether a law, on whose validity its decision depends, is compatible with this Constitution, with the European Convention for Human Rights and Fundamental Freedoms and its Protocols, or with the laws of Bosnia and Herzegovina; or concerning the existence of or the scope of a general rule of public international law pertinent to the court's decision.

Page 73; Annex 4: Constitution of Bosnia and Herzegovina; Article X: Amendment

2. Human Rights and Fundamental Freedoms. No amendment to this Constitution may eliminate or diminish any of the rights and freedoms referred to in Article II of this Constitution or alter the present paragraph.

Page 75; Annex 4: Constitution of Bosnia and Herzegovina; Annex I: Additional Human Rights Agreements to be Applied in Bosnia and Herzegovina

1. 1948 Convention on the Prevention and Punishment of the Crime of Genocide
2. 1949 Geneva Conventions I-IV on the Protection of the Victims of War, and the 1977 Geneva Protocols I-II thereto
3. 1951 Convention relating to the Status of Refugees and the 1966 Protocol thereto

4. 1957 Convention on the Nationality of Married Women 1961 Convention on the Reduction of Statelessness
5. 1965 International Convention on the Elimination of All Forms of Racial Discrimination
6. 1966 International Covenant on Civil and Political Rights and the 1966 and 1989 Optional Protocols thereto
8. 1966 Covenant on Economic, Social and Cultural Rights
9. 1979 Convention on the Elimination of All Forms of Discrimination against Women
10. 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
11. 1987 European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
12. 1989 Convention on the Rights of the Child
13. 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
14. 1992 European Charter for Regional or Minority Languages
15. 1994 Framework Convention for the Protection of National Minorities

Page 82-83; Annex 6: Agreement On Human Rights; Chapter One: Respect for Human Rights; Article I: Fundamental Rights and Freedoms

The Parties shall secure to all persons within their jurisdiction the highest level of internationally recognized human rights and fundamental freedoms, including the rights and freedoms provided in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols and the other international agreements listed in the Appendix to this Annex. These include:

1. The right to life.
2. The right not to be subjected to torture or to inhuman or degrading treatment or punishment.
3. The right not to be held in slavery or servitude or to perform forced or compulsory labor.
4. The rights to liberty and security of person.
5. The right to a fair hearing in civil and criminal matters, and other rights relating to criminal proceedings.
6. The right to private and family life, home, and correspondence.
7. Freedom of thought, conscience and religion.
8. Freedom of expression.
9. Freedom of peaceful assembly and freedom of association with others.
10. The right to marry and to found a family.
11. The right to property.
12. The right to education.
13. The right to liberty of movement and residence.
14. The enjoyment of the rights and freedoms provided for in this Article or in the international agreements listed in the Annex to this Constitution secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Page 83-84; Annex 6: Agreement On Human Rights; Chapter Two: The Commission on Human Rights; Part A: General; Article II: Establishment of the Commission

1. To assist in honoring their obligations under this Agreement, the Parties hereby establish a Commission on Human Rights (the "Commission"). The Commission shall consist of two parts: the Office of the Ombudsman and the Human Rights Chamber.

2. The Office of the Ombudsman and the Human Rights Chamber shall consider, as subsequently described:

a. alleged or apparent violations of human rights as provided in the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto, or

b. alleged or apparent discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status arising in the

enjoyment of any of the rights and freedoms provided for in the international agreements listed in the Appendix to this Annex, where such violation is alleged or appears to have been committed by the Parties, including by any official or organ of the Parties, Cantons, Municipalities, or any individual acting under the authority of such official or organ.

3. The Parties recognize the right of all persons to submit to the Commission and to other human rights bodies, applications concerning alleged violations of human rights, in accordance with the procedures of this Annex and such bodies. The Parties shall not undertake any punitive action directed against persons who intend to submit, or have submitted, such allegations.

Page 84-85; Annex 6: Agreement On Human Rights; Chapter Two: The Commission on Human Rights; Part A: General; Article III: Facilities, Staff and Expenses

1. The Commission shall have appropriate facilities and a professionally competent staff. There shall be an Executive Officer, appointed jointly by the Ombudsman and the President of the Chamber, who shall be responsible for all necessary administrative arrangements with respect to facilities and staff. The Executive Officer shall be subject to the direction of the Ombudsman and the President of the Chamber insofar as concerns their respective administrative and professional office staff.

2. The salaries and expenses of the Commission and its staff shall be determined jointly by the Parties and shall be borne by Bosnia and Herzegovina. The salaries and expenses shall be fully adequate to implement the Commission's mandate.

3. The Commission shall have its headquarters in Sarajevo, including both the headquarters Office of the Ombudsman and the facilities for the Chamber. The Ombudsman shall have at least one additional office in the territory of the Federation and the Republika Srpska and at other locations as it deems appropriate. The Chamber may meet in other locations where it determines that the needs of a particular case so require, and may meet at any place it deems appropriate for the inspection of property, documents or other items.

4. The Ombudsman and all members of the Chamber shall not be held criminally or civilly liable for any acts carried out within the scope of their duties. When the Ombudsman and members of the Chamber are not citizens of Bosnia and Herzegovina, they and their families shall be accorded the same privileges and immunities as are enjoyed by diplomatic agents and their families under the Vienna Convention on Diplomatic Relations.

5. With full regard for the need to maintain impartiality, the Commission may receive assistance as it deems appropriate from any governmental, international, or non-governmental organization.

Page 85; Annex 6: Agreement On Human Rights; Chapter Two: The Commission on Human Rights; Part B: Human Rights Ombudsman; Article IV: Human Rights Ombudsman

1. The Parties hereby establish the Office of the Human Rights Ombudsman (the "Ombudsman").

2. The Ombudsman shall be appointed for a non-renewable term of five years by the Chairman- in-Office of the Organization for Security and Cooperation in Europe (OSCE), after consultation with the Parties. He or she shall be independently responsible for choosing his or her own staff. Until the transfer described in Article XIV below, the Ombudsman may not be a citizen of Bosnia and Herzegovina or of any neighboring state. The Ombudsman appointed after that transfer shall be appointed by the Presidency of Bosnia and Herzegovina.

3. Members of the Office of the Ombudsman must be of recognized high moral standing and have competence in the field of international human rights.

4. The Office of the Ombudsman shall be an independent agency. In carrying out its mandate, no person or organ of the Parties may interfere with its functions.

Page 85-86; Annex 6: Agreement On Human Rights; Chapter Two: The Commission on Human Rights; Part B: Human Rights Ombudsman; Article V: Jurisdiction of the Ombudsman

1. Allegations of violations of human rights received by the Commission shall generally be directed to the Office of the Ombudsman, except where an applicant specifies the Chamber.

2. The Ombudsman may investigate, either on his or her own initiative or in response to an allegation by any Party or person, non-governmental organization, or group of individuals claiming to be the victim of a violation by any Party or acting on behalf of alleged victims who are deceased or missing, alleged or apparent violations of human rights within the scope of paragraph 2 of Article II. The Parties undertake not to hinder in any way the effective exercise of this right.

3. The Ombudsman shall determine which allegations warrant investigation and in what priority, giving particular priority to allegations of especially severe or systematic violations and those founded on alleged discrimination on prohibited grounds.

4. The Ombudsman shall issue findings and conclusions promptly after concluding an investigation. A Party identified as violating human rights shall, within a specified period, explain in writing how it will comply with the conclusions.

5. Where an allegation is received which is within the jurisdiction of the Human Rights Chamber, the Ombudsman may refer the allegation to the Chamber at any stage.

6. The Ombudsman may also present special reports at any time to any competent government organ or official. Those receiving such reports shall reply within a time limit specified by the Ombudsman, including specific responses to any conclusions offered by the Ombudsman.

7. The Ombudsman shall publish a report, which, in the event that a person or entity does not comply with his or her conclusions and recommendations will be forwarded to the High Representative described in Annex 10 to the General Framework Agreement while such office exists, as well as referred for further action to the Presidency of the appropriate Party. The Ombudsman may also initiate proceedings before the Human Rights Chamber based on such Report. The Ombudsman may also intervene in any proceedings before the Chamber.

Page 86; Annex 6: Agreement On Human Rights; Chapter Two: The Commission on Human Rights; Part B: Human Rights Ombudsman; Article VI: Powers

1. The Ombudsman shall have access to and may examine all official documents, including classified ones, as well as judicial and administrative files, and can require any person, including a government official, to cooperate by providing relevant information, documents and files. The Ombudsman may attend administrative hearings and meetings of other organs and may enter and inspect any place where persons deprived of their liberty are confined or work.

2. The Ombudsman and staff are required to maintain the confidentiality of all confidential information obtained, except where required by order of the Chamber, and shall treat all documents and files in accordance with applicable rules.

Page 87; Annex 6: Agreement On Human Rights; Chapter Two: The Commission on Human Rights; Part C: Human Rights Chamber; Article VII: Human Rights Chamber

1. The Human Rights Chamber shall be composed of fourteen members.

2. Within 90 days after this Agreement enters into force, the Federation of Bosnia and Herzegovina shall appoint four members and the Republika Srpska shall appoint two members. The Committee of Ministers of the Council of Europe, pursuant to its resolution (93)6, after consultation with the Parties, shall appoint the remaining members, who shall not be citizens of Bosnia and Herzegovina or any neighboring state, and shall designate one such member as the President of the Chamber.

3. All members of the Chamber shall possess the qualifications required for appointment to high judicial office or be jurists of recognized competence. The members of the Chamber shall be appointed for a term of five years and may be reappointed.

4. Members appointed after the transfer described in Article XIV below shall be appointed by the Presidency of Bosnia and Herzegovina.

Page 87-88; Annex 6: Agreement On Human Rights; Chapter Two: The Commission on Human Rights; Part C: Human Rights Chamber; Article VIII: Jurisdiction of the Chamber

1. The Chamber shall receive by referral from the Ombudsman on behalf of an applicant, or directly from any Party or person, non-governmental organization, or group of individuals claiming to be the victim of a violation by any Party or acting on behalf of alleged victims who are deceased or missing, for resolution or decision applications concerning alleged or apparent violations of human rights within the scope of paragraph 2 of Article II.

2. The Chamber shall decide which applications to accept and in what priority to address them. In so doing, the Chamber shall take into account the following criteria:

a. Whether effective remedies exist, and the applicant has demonstrated that they have been exhausted and that the application has been filed with the Commission within six months from such date on which the final decision was taken.

b. The Chamber shall not address any application which is substantially the same as a matter which has already been examined by the Chamber or has already been submitted to another procedure or international investigation or settlement.

c. The Chamber shall also dismiss any application which it considers incompatible with this Agreement, manifestly ill-founded, or an abuse of the right of petition.

d. The Chamber may reject or defer further consideration if the application concerns a matter currently pending before any other international human rights body responsible for the adjudication of applications or the decision of cases, or any other Commission established by the Annexes to the General Framework Agreement.

e. In principle, the Chamber shall endeavor to accept and to give particular priority to allegations of especially severe or systematic violations and those founded on alleged discrimination on prohibited grounds.

f. Applications which entail requests for provisional measures shall be reviewed as a matter of priority in order to determine (1) whether they should be accepted and, if so (2) whether high priority for the scheduling of proceedings on the provisional measures request is warranted.

3. The Chamber may decide at any point in its proceedings to suspend consideration of, reject or strike out, an application on the ground that (a) the applicant does not intend to pursue his application; (b) the matter has been resolved; or (c) for any other reason established by the Chamber, it is no longer justified to continue the examination of the application; provided that such result is consistent with the objective of respect for human rights.

Page 88-89; Annex 6: Agreement On Human Rights; Chapter Two: The Commission on Human Rights; Part C: Human Rights Chamber; Article IX: Friendly Settlement

1. At the outset of a case or at any stage during the proceedings, the Chamber may attempt to facilitate an amicable resolution of the matter on the basis of respect for the rights and freedoms referred to in this Agreement.

2. If the Chamber succeeds in effecting such a resolution it shall publish a Report and forward it to the High Representative described in Annex 10 to the General Framework Agreement while such office exists, the OSCE and the Secretary General of the Council of Europe. Such a Report shall include a brief statement of the facts and the resolution reached. The report of a resolution in a given case may, however, be confidential in whole or in part where necessary for the protection of human rights or with the agreement of the Chamber and the parties concerned.

Page 89; Annex 6: Agreement On Human Rights; Chapter Two: The Commission on Human Rights; Part C: Human Rights Chamber; Article X: Proceedings before the Chamber

1. The Chamber shall develop fair and effective procedures for the adjudication of applications. Such procedures shall provide for appropriate written pleadings and, on the decision of the Chamber, a hearing for oral argument or the presentation of evidence. The Chamber shall have the power to order provisional measures, to appoint experts, and to compel the production of witnesses and evidence.

2. The Chamber shall normally sit in panels of seven, composed of two members from the Federation, one from the Republika Srpska, and four who are not citizens of Bosnia and Herzegovina or any neighboring state. When an application is decided by a panel, the full Chamber may decide, upon motion of a party to the case or the Ombudsman, to review the decision; such review may include the taking of additional evidence where the Chamber so decides. References in this Annex to the Chamber shall include, as appropriate, the Panel, except that the power to develop general rules, regulations and procedures is vested in the Chamber as a whole.

3. Except in exceptional circumstances in accordance with rules, hearings of the Chamber shall be held in public.

4. Applicants may be represented in proceedings by attorneys or other representatives of their choice, but shall also be personally present unless excused by the Chamber on account of hardship, impossibility, or other good cause.

5. The Parties undertake to provide all relevant information to, and to cooperate fully with, the Chamber.

Page 90; Annex 6: Agreement On Human Rights; Chapter Two: The Commission on Human Rights; Part C: Human Rights Chamber; Article XI: Decisions

1. Following the conclusion of the proceedings, the chamber shall promptly issue a decision, which shall address:

a. whether the facts found indicate a breach by the Party concerned of its obligations under this Agreement; and if so

b. what steps shall be taken by the Party to remedy such breach, including orders to cease and desist, monetary relief (including pecuniary and non-pecuniary injuries), and provisional measures.

2. The Chamber shall make its decision by a majority of members. In the event a decision by the full Chamber results in a tie, the President of the Chamber shall cast the deciding vote.

3. Subject to review as provided in paragraph 2 of Article X, the decisions of the Chamber shall be final and binding.

4. Any member shall be entitled to issue a separate opinion on any case.

5. The Chamber shall issue reasons for its decisions. Its decisions shall be published and forwarded to the parties concerned, the High Representative described in Annex 10 to the General Framework Agreement while such office exists, the Secretary General of the Council of Europe and the OSCE.

6. The Parties shall implement fully decisions of the Chamber.

Page 90; Annex 6: Agreement On Human Rights; Chapter Two: The Commission on Human Rights; Part C: Human Rights Chamber; Article XII: Rules and Regulations

The Chamber shall promulgate such rules and regulations, consistent with this Agreement, as may be necessary to carry out its functions, including provisions for preliminary hearings, expedited decisions on provisional measures, decisions by panels of the Chamber, and review of decisions made by any such panels.

Page 91; Annex 6: Agreement On Human Rights; Chapter Three: General Provisions; Article XIII: Organizations Concerned with Human Rights

1. The Parties shall promote and encourage the activities of non-governmental and international organizations for the protection and promotion of human rights.

2. The Parties join in inviting the United Nations Commission on Human Rights, the OSCE, the United Nations High Commissioner for Human Rights, and other intergovernmental or regional human rights missions or organizations to monitor closely the human rights situation in Bosnia and Herzegovina, including through the establishment of local offices and the assignment of observers, rapporteurs, or other relevant persons on a permanent or mission-by-mission basis and to provide them with full and effective facilitation, assistance and access.

3. The Parties shall allow full and effective access to non-governmental organizations for purposes of investigating and monitoring human rights conditions in Bosnia and Herzegovina and shall refrain from hindering or impeding them in the exercise of these functions.

4. All competent authorities in Bosnia and Herzegovina shall cooperate with and provide unrestricted access to the organizations established in this Agreement; any international human rights monitoring mechanisms established for Bosnia and Herzegovina; the supervisory bodies established by any of the international agreements listed in the Appendix to this Annex; the International Tribunal for the Former Yugoslavia; and any other organization authorized by the U.N. Security Council with a mandate concerning human rights or humanitarian law.

Page 91; Annex 6: Agreement On Human Rights; Chapter Three: General Provisions; Article XIV: Transfer

Five years after this Agreement enters into force, the responsibility for the continued operation of the Commission shall transfer from the Parties to the institutions of Bosnia and Herzegovina, unless the Parties otherwise agree. In the latter case, the Commission shall continue to operate as provided above.

Page 92; Annex 6: Agreement On Human Rights; Chapter Three: General Provisions; Article XV: Notice

The Parties shall give effective notice of the terms of this Agreement throughout Bosnia and Herzegovina.

Page 92; Annex 6: Agreement On Human Rights; Chapter Three: General Provisions; Article XVI: Entry into Force

This Agreement shall enter into force upon signature.

Page 116; Annex 11: Agreement on International Police Task Force; Article I: Civilian Law Enforcement

1. As provided in Article 111(2)(c) of the Constitution agreed as Annex 4 to the General Framework Agreement the Parties shall provide a safe and secure environment for all persons in their respective jurisdictions, by maintaining civilian law enforcement agencies operating in accordance with internationally recognized standards and with respect for internationally recognized human rights and fundamental freedoms, and by taking such other measures as appropriate.

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Indigenous &
Minority Rights

Page 75; Annex 4: Constitution of Bosnia Herzegovina; Annex I: Additional Human Rights Agreements to be Applied in Bosnia and Herzegovina

4. 1957 Convention on the Nationality of Married Women.

9. 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

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Women's Rights &
Gender Issues

Page 93; Annex 6: Agreement on Human Rights; Appendix: Human Rights Agreements

5. 1957 Convention on the Nationality of Married Women

10. 1979 Convention on the Elimination of All Forms of Discrimination against Women

Page 53; Annex 3: Agreement On Elections; Article I: Conditions for Democratic Elections

1. The Parties shall ensure that conditions exist for the organization of free and fair elections, in particular a politically neutral environment; shall protect and enforce the right to vote in secret without fear or intimidation; shall ensure freedom of expression and of the press; shall allow and encourage freedom of association (including of political parties); and shall ensure freedom of movement.

Page 60-61; Annex 4: Constitution of Bosnia and Herzegovina; Article 1: Bosnia and Herzegovina; 7. Citizenship

There shall be a citizenship of Bosnia and Herzegovina, to be regulated by the Parliamentary Assembly, and a citizenship of each Entity, to be regulated by each Entity, provided that:

(a) All citizens of either Entity are thereby citizens of Bosnia and Herzegovina.

(b) No person shall be deprived of Bosnia and Herzegovina or Entity citizenship arbitrarily or so as to leave him or her stateless. No person shall be deprived of Bosnia and Herzegovina or Entity citizenship on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

(c) All persons who were citizens of the Republic of Bosnia and Herzegovina immediately prior to the entry into force of this Constitution are citizens of Bosnia and Herzegovina. The citizenship of persons who were naturalized

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Civil & Political
Rights

after April 6, 1992 and before the entry into force of this Constitution will be regulated by the Parliamentary Assembly.

(d) Citizens of Bosnia and Herzegovina may hold the citizenship of another state, provided that there is a bilateral agreement, approved by the Parliamentary Assembly in accordance with Article IV(4)(d), between Bosnia and Herzegovina and that state governing this matter. Persons with dual citizenship may vote in Bosnia and Herzegovina and the Entities only if Bosnia and Herzegovina is their country of residence.

(e) A citizen of Bosnia and Herzegovina abroad shall enjoy the protection of Bosnia and Herzegovina. Each Entity may issue passports of Bosnia and Herzegovina to its citizens as regulated by the Parliamentary Assembly. Bosnia and Herzegovina may issue passports to citizens not issued a passport by an Entity. There shall be a central register of all passports issued by the Entities and by Bosnia and Herzegovina.

Page 61-62; Annex 4: Constitution of Bosnia and Herzegovina; Article II: Human Rights and Fundamental Freedoms; 3. Enumeration of Rights.

All persons within the territory of Bosnia and Herzegovina shall enjoy the human rights and fundamental freedoms referred to in paragraph 2 above, these include:

- (a) The right to life.
- (b) The right not to be subjected to torture or to inhuman or degrading treatment or punishment.
- (c) The right not to be held in slavery or servitude or to perform forced or compulsory labor.
- (d) The rights to liberty and security of person.
- (e) The right to a fair hearing in civil and criminal matters, and other rights relating to criminal proceedings.
- (g) Freedom of thought, conscience, and religion,
- (h) Freedom of expression.
- (i) Freedom of peaceful assembly and freedom of association with others.
- (m) The right to liberty of movement and residence.
- (14) The enjoyment of the rights and freedoms provided for in this Article or in the international agreements listed in the Annex to this Constitution secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Page 82-83; Annex 6: Agreement on Human Rights; Chapter One: Respect for Human Rights; Article I: Fundamental Rights and Freedoms

The Parties shall secure to all persons within their jurisdiction the highest level of internationally recognized human rights and fundamental freedoms, including the rights and freedoms provided in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols and the other international agreements listed in the Appendix to this Annex. These include:...

- (1) The right to life.
- (2) The right not to be subjected to torture or to inhuman or degrading treatment or punishment.
- (3) The right not to be held in slavery or servitude or to perform forced or compulsory labor.
- (4) The rights to liberty and security of person.
- (5) The right to a fair hearing in civil and criminal matters, and other rights relating to criminal proceedings.
- (7) Freedom of thought, conscience and religion.
- (8) Freedom of expression.
- (9) Freedom of peaceful assembly and freedom of association with others.
- 13) The right to liberty of movement and residence.
- (14) The enjoyment of the rights and freedoms provided for in this Article or in the international agreements listed in the Annex to this Constitution secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

		<p>Page 61-62; Annex 4: Constitution of Bosnia and Herzegovina; Article II: Human Rights and Fundamental Freedoms; 3. Enumeration of Rights.</p> <p>All persons within the territory of Bosnia and Herzegovina shall enjoy the human rights and fundamental freedoms referred to in paragraph 2 above, these include:</p> <ul style="list-style-type: none"> (f) The right to private and family life, home, and correspondence. (j) The right to marry and to found a family. (k) The right to property. (l) The right to education. (m) The right to liberty of movement and residence. <p>Page 82-83; Annex 6: Agreement on Human Rights; Chapter One: Respect for Human Rights; Article I: Fundamental Rights and Freedoms</p> <p>The Parties shall secure to all persons within their jurisdiction the highest level of internationally recognized human rights and fundamental freedoms, including the rights and freedoms provided in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols and the other international agreements listed in the Appendix to this Annex. These include:</p> <ul style="list-style-type: none"> (6) The right to private and family life, home, and correspondence. (10) The right to marry and to found a family. (11) The right to property. (12) The right to education. (13) The right to liberty of movement and residence. (14) The enjoyment of the rights and freedoms provided for in this Article or in the international agreements listed in the Annex to this Constitution secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
<p>tj_esc</p>	<p>Economic, Social & Cultural Rights</p>	<p>Page 23; Annex 1-A: Agreement on the Military Aspects of the Peace Settlement; Article IX: Prisoner Exchanges</p> <p>2. In those cases where places of burial, whether individual or mass, are known as a matter of record, and graves are actually found to exist, each Party shall permit graves registration personnel of the other Parties to enter, within a mutually agreed period of time, for the limited purpose of proceeding to such graves, to recover and evacuate the bodies of deceased military and civilian personnel of that side, including deceased, prisoners.</p> <p>Page 85; Annex 6: Agreement on Human Rights; Part B: Human Rights Ombudsman; Article V: Jurisdiction of the Ombudsman</p> <p>2. The Ombudsman may investigate, either on his or her own initiative or in response to an allegation by any Party or person, non-governmental organization, or group of individuals claiming to be the victim of a violation by any Party or acting on behalf of alleged victims who are deceased or missing, alleged or apparent violations of human rights within the scope of paragraph 2 of Article II. The Parties undertake not to hinder in any way the effective exercise of this right.</p> <p>Page 87; Annex 6: Agreement on Human Rights; Part C: Human Rights Chamber; Article VIII: Jurisdiction of the Chamber</p> <p>1. The Chamber shall receive by referral from the Ombudsman on behalf of an applicant, or directly from any Party or person, non-governmental organization, or group of individuals claiming to be the victim of a violation by any Party or acting on behalf of alleged victims who are deceased or missing, for resolution or decision applications concerning alleged or apparent violations of human rights within the scope of paragraph 2 of Article II.</p>
<p>tj_vic</p>	<p>Victims & Reparations</p>	

Page 3; Article VI

The Parties welcome and endorse the arrangements that have been made concerning the establishment of an arbitration tribunal, a Commission on Human Rights, a Commission on Refugees and Displaced Persons, a Commission to Preserve National Monuments, and Bosnia and Herzegovina Public Corporations, as set forth in the Agreements at Annexes 5-9. The Parties shall fully respect and promote fulfillment of the commitments made therein.

Page 4; Article VII

Recognizing that the observance of human rights and the protection of refugees and displaced persons are of vital importance in achieving a lasting peace, the Parties agree to and shall comply fully with the provisions concerning human rights set forth in Chapter One of the Agreement at Annex 6, as well as the provisions concerning refugees and displaced persons set forth in Chapter One of the Agreement at Annex 7.

Page 55; Annex 3: Agreement on Elections; Article IV: Eligibility; 1. Voters

[...] The exercise of a refugee's right to vote shall be interpreted as confirmation of his or her intention to return to Bosnia and Herzegovina. By Election Day, the return of refugees should already be underway, thus allowing many to participate in person in elections in Bosnia and Herzegovina [...]

Page 62; Annex 4: Constitution of Bosnia Herzegovina; Article II: Human Rights and Fundamental Freedoms; 5. Refugees and Displaced Persons

tj_ref Refugees &
 Internally Displaced
 Persons

All refugees and displaced persons have the right freely to return to their homes of origin. They have the right, in accordance with Annex 7 to the General Framework Agreement, to have restored to them property of which they were deprived in the course of hostilities since 1991 and to be compensated for any such property that cannot be restored to them. Any commitments or statements relating to such property made under duress are null and void.

Page 75; Annex 4: Constitution of Bosnia Herzegovina; Annex I: Additional Human Rights Agreements to be Applied in Bosnia and Herzegovina

3. 1951 Convention relating to the Status of Refugees and the 1966 Protocol thereto

Page 94-95; Annex 7: Agreement on Refugees and Displaced Persons; Chapter One: Protection; Article I: Rights of Refugees and Displaced Persons

1. All refugees and displaced persons have the right freely to return to their homes of origin. They shall have the right to have restored to them property of which they were deprived in the course of hostilities since 1991 and to be compensated for any property that cannot be restored to them. The early return of refugees and displaced persons is an important objective of the settlement of the conflict in Bosnia and Herzegovina. The Parties confirm that they will accept the return of such persons who have left their territory, including those who have been accorded temporary protection by third countries.

2. The Parties shall ensure that refugees and displaced persons are permitted to return in safety, without risk of harassment, intimidation, persecution, or discrimination, particularly on account of their ethnic origin, religious belief, or political opinion.

3. The Parties shall take all necessary steps to prevent activities within their territories which would hinder or impede the safe and voluntary return of refugees and displaced persons. To demonstrate their commitment to securing full respect for the human rights and fundamental freedoms of all persons within their jurisdiction and creating without delay conditions suitable for return of refugees and displaced persons, the Parties shall take immediately the following confidence building measures:

a. the repeal of domestic legislation and administrative practices with discriminatory intent or effect;

b. the prevention and prompt suppression of any written or verbal incitement, through media or otherwise, of ethnic or religious hostility or hatred;

c. the dissemination, through the media, of warnings against, and the prompt suppression of, acts of retribution by military, paramilitary, and police services, and by other public officials or private individuals;

d. the protection of ethnic and/or minority populations wherever they are found and the provision of immediate access to these populations by international humanitarian organizations and monitors;

e. the prosecution, dismissal or transfer, as appropriate, of persons in military, paramilitary, and police forces, and other public servants, responsible for serious violations of the basic rights of persons belonging to ethnic or minority groups.

4. Choice of destination shall be up to the individual or family, and the principle of the unity of the family shall be preserved. The Parties shall not interfere with the returnees' choice of destination, nor shall they compel them to remain in or move to situations of serious danger or insecurity, or to areas lacking in the basic infrastructure necessary to resume a normal life. The Parties shall facilitate the flow of information necessary for refugees and displaced persons to make informed judgments about local conditions for return.

5. The Parties call upon the United Nations High Commissioner for Refugees ("UNHCR") to develop in close consultation with asylum countries and the Parties a repatriation plan that will allow for an early, peaceful, orderly and phased return of refugees and displaced persons, which may include priorities for certain areas and certain categories of returnees. The Parties agree to implement such a plan and to conform their international agreements and internal laws to it. They accordingly call upon States that have accepted refugees to promote the early return of refugees consistent with international law.

**Page 96; Annex 7: Agreement on Refugees and Displaced Persons;
Chapter One: Protection; Article II: Creation of Suitable Conditions for
Return**

1. The Parties undertake to create in their territories the political, economic, and social conditions conducive to the voluntary return and harmonious reintegration of refugees and displaced persons, without preference for any particular group. The Parties shall provide all possible assistance to refugees and displaced persons and work to facilitate their voluntary return in a peaceful, orderly and phased manner, in accordance with the UNHCR repatriation plan.

2. The Parties shall not discriminate against returning refugees and displaced persons with respect to conscription into military service, and shall give positive consideration to requests for exemption from military or other obligatory service based on individual circumstances, so as to enable returnees to rebuild their lives.

**Page 96; Annex 7: Agreement on Refugees and Displaced Persons;
Chapter One: Protection; Article III: Cooperation with International
Organizations and International Monitoring**

1. The Parties note with satisfaction the leading humanitarian role of UNHCR, which has been entrusted by the Secretary-General of the United Nations with

the role of coordinating among all agencies assisting with the repatriation and relief of refugees and displaced persons.

2. The Parties shall give full and unrestricted access by UNHCR, the International Committee of the Red Cross ("ICRC"), the United Nations Development Programme ("UNDP"), and other relevant international, domestic and nongovernmental organizations to all refugees and displaced persons, with a view to facilitating the work of those organizations in tracing persons, the provision of medical assistance, food distribution, reintegration assistance, the provision of temporary and permanent housing, and other activities vital to the discharge of their mandates and operational responsibilities without administrative impediments. These activities shall include traditional protection functions and the monitoring of basic human rights and humanitarian conditions, as well as the implementation of the provisions of this Chapter.

3. The Parties shall provide for the security of all personnel of such organizations.

**Page 97; Annex 7: Agreement on Refugees and Displaced Persons;
Chapter One: Protection; Article IV: Repatriation Assistance**

The Parties shall facilitate the provision of adequately monitored, short-term repatriation assistance on a nondiscriminatory basis to all returning refugees and displaced persons who are in need, in accordance with a plan developed by UNHCR and other relevant organizations, to enable the families and individuals returning to reestablish their lives and livelihoods in local communities.

**Page 97; Annex 7: Agreement on Refugees and Displaced Persons;
Chapter One: Protection; Article V: Persons Unaccounted For**

The Parties shall provide information through the tracing mechanisms of the ICRC on all persons unaccounted for. The Parties shall also cooperate fully with the ICRC in its efforts to determine the identities, whereabouts and fate of the unaccounted for.

**Page 97; Annex 7: Agreement on Refugees and Displaced Persons;
Chapter One: Protection; Article VI: Amnesty**

Any returning refugee or displaced person charged with a crime, other than a serious violation of international humanitarian law as defined in the Statute of the International Tribunal for the Former Yugoslavia since January 1, 1991 or a common crime unrelated to the conflict, shall upon return enjoy an amnesty. In no case shall charges for crimes be imposed for political or other inappropriate reasons or to circumvent the application of the amnesty.

**Page 97; Annex 7: Agreement on Refugees and Displaced Persons;
Chapter Two: Commission for Displaced Persons and Refugees; Article VII: Establishment of the Commission**

The Parties hereby establish an independent Commission for Displaced Persons and Refugees (the "Commission"). The Commission shall have its headquarters in Sarajevo and may have offices at other locations as it deems appropriate.

**Page 98; Annex 7: Agreement on Refugees and Displaced Persons;
Chapter Two: Commission for Displaced Persons and Refugees; Article VIII: Cooperation**

The Parties shall cooperate with the work of the Commission, and shall respect and implement its decisions expeditiously and in good faith, in cooperation with relevant international and nongovernmental organizations having responsibility for the return and reintegration of refugees and displaced persons.

**Page 98; Annex 7: Agreement on Refugees and Displaced Persons;
Chapter Two: Commission for Displaced Persons and Refugees; Article
IX: Composition**

1. The Commission shall be composed of nine members. Within 90 days after this Agreement enters into force, the Federation of Bosnia and Herzegovina shall appoint four members, two for a term of three years and the others for a term of four years, and the Republika Srpska shall appoint two members, one for a term of three years and the other for a term of four years. The President of the European Court of Human Rights shall appoint the remaining members, each for a term of five years, and shall designate one such member as the Chairman. The members of the Commission may be reappointed.

2. Members of the Commission must be of recognized high moral standing.

3. The Commission may sit in panels, as provided in its rules and regulations. References in this Annex to the Commission shall include, as appropriate, such panels, except that the power to promulgate rules and regulations is vested only in the Commission as a whole.

4. Members appointed after the transfer described in Article XVI below shall be appointed by the Presidency of Bosnia and Herzegovina.

**Page 98-99; Annex 7: Agreement on Refugees and Displaced Persons;
Chapter Two: Commission for Displaced Persons and Refugees; Article
X: Facilities, Staff and Expenses**

1. The Commission shall have appropriate facilities and a professionally competent staff, experienced in administrative, financial, banking and legal matters, to assist it in carrying out its functions. The staff shall be headed by an Executive Officer, who shall be appointed by the Commission.

2. The salaries and expenses of the Commission and its staff shall be determined jointly by the Parties and shall be borne equally by the Parties.

3. Members of the Commission shall not be held criminally or civilly liable for any acts carried out within the scope of their duties. Members of the Commission, and their families, who are not citizens of Bosnia and Herzegovina shall be accorded the same privileges and immunities as are enjoyed by diplomatic agents and their families under the Vienna Convention on Diplomatic Relations.

4. The Commission may receive assistance from international and nongovernmental organizations, in their areas of special expertise falling within the mandate of the Commission, on terms to be agreed.

5. The Commission shall cooperate with other entities established by the General Framework Agreement, agreed by the Parties, or authorized by the United Nations Security Council.

**Page 99; Annex 7: Agreement on Refugees and Displaced Persons;
Chapter Two: Commission for Displaced Persons and Refugees; Article
XI: Mandate**

The Commission shall receive and decide any claims for real property in Bosnia and Herzegovina, where the property has not voluntarily been sold or otherwise transferred since April 1, 1992, and where the claimant does not now enjoy possession of that property. Claims may be for return of the property or for just compensation in lieu of return.

**Page 99-101; Annex 7: Agreement on Refugees and Displaced Persons;
Chapter Two: Commission for Displaced Persons and Refugees; Article
XII: Proceedings before the Commission**

1. Upon receipt of a claim, the Commission shall determine the lawful owner of the property with respect to which the claim is made and the value of that property. The Commission, through its staff or a duly designated international

or nongovernmental organization, shall be entitled to have access to any and all property records in Bosnia and Herzegovina, and to any and all real property located in Bosnia and Herzegovina for purposes of inspection, evaluation and assessment related to consideration of a claim.

2. Any person requesting the return of property who is found by the Commission to be the lawful owner of that property shall be awarded its return. Any person requesting compensation in lieu of return who is found by the Commission to be the lawful owner of that property shall be awarded just compensation as determined by the Commission. The Commission shall make decisions by a majority of its members.

3. In determining the lawful owner of any property, the Commission shall not recognize as valid any illegal property transaction, including any transfer that was made under duress, in exchange for exit permission or documents, or that was otherwise in connection with ethnic cleansing. Any person who is awarded return of property may accept a satisfactory lease arrangement rather than retake possession.

4. The Commission shall establish fixed rates that may be applied to determine the value of all real property in Bosnia and Herzegovina that is the subject of a claim before the Commission. The rates shall be based on an assessment or survey of properties in the territory of Bosnia and Herzegovina undertaken prior to April 1, 1992, if available, or may be based on other reasonable criteria as determined by the Commission.

5. The Commission shall have the power to effect any transactions necessary to transfer or assign title, mortgage, lease, or otherwise dispose of property with respect to which a claim is made, or which is determined to be abandoned. In particular, the Commission may lawfully sell, mortgage, or lease real property to any resident or citizen of Bosnia and Herzegovina, or to either Party, where the lawful owner has sought and received compensation in lieu of return, or where the property is determined to be abandoned in accordance with local law. The Commission may also lease property pending consideration and final determination of ownership.

6. In cases in which the claimant is awarded compensation in lieu of return of the property, the Commission may award a monetary grant or a compensation bond for the future purchase of real property. The Parties welcome the willingness of the international community assisting in the construction and financing of housing in Bosnia and Herzegovina to accept compensation bonds awarded by the Commission as payment, and to award persons holding such compensation bonds priority in obtaining that housing.

7. Commission decisions shall be final, and any title, deed, mortgage, or other legal instrument created or awarded by the Commission shall be recognized as lawful throughout Bosnia and Herzegovina.

8. Failure of any Party or individual to cooperate with the Commission shall not prevent the Commission from making its decision.

**Page 101; Annex 7: Agreement on Refugees and Displaced Persons;
Chapter Two: Commission for Displaced Persons and Refugees; Article
XIII: Use of Vacant Property**

The Parties, after notification to the Commission and in coordination with UNHCR and other international and nongovernmental organizations contributing to relief and reconstruction, may temporarily house refugees and displaced persons in vacant property, subject to final determination of ownership by the Commission and to such temporary lease provisions as it may require.

**Page 101; Annex 7: Agreement on Refugees and Displaced Persons;
Chapter Two: Commission for Displaced Persons and Refugees; Article
XIV: Refugees and Displaced Persons Property Fund**

1. A Refugees and Displaced Persons Property Fund (the "Fund") shall be established in the Central Bank of Bosnia and Herzegovina to be administered by the Commission. The Fund shall be replenished through the purchase, sale,

lease and mortgage of real property which is the subject of claims before the Commission. It may also be replenished by direct payments from the Parties, or from contributions by States or international or nongovernmental organizations.

2. Compensation bonds issued pursuant to Article XII(6) shall create future liabilities on the Fund under terms and conditions to be defined by the Commission.

Page 101; Annex 7: Agreement on Refugees and Displaced Persons; Chapter Two: Commission for Displaced Persons and Refugees; Article XV: Rules and Regulations

The Commission shall promulgate such rules and regulations, consistent with this Agreement, as may be necessary to carry out its functions. In developing these rules and regulations, the Commission shall consider domestic laws on property rights.

Page 102; Annex 7: Agreement on Refugees and Displaced Persons; Chapter Two: Commission for Displaced Persons and Refugees; Article XVI: Transfer

Five years after this Agreement takes effect, responsibility for the financing and operation of the Commission shall transfer from the Parties to the Government of Bosnia and Herzegovina, unless the Parties otherwise agree. In the latter case, the Commission shall continue to operate as provided above.

Page 102; Annex 7: Agreement on Refugees and Displaced Persons; Chapter Two: Commission for Displaced Persons and Refugees; Article XVII: Notice

The Parties shall give effective notice of the terms of this Agreement throughout Bosnia and Herzegovina, and in all countries known to have persons who were citizens or residents of Bosnia and Herzegovina.

Page 102; Annex 7: Agreement on Refugees and Displaced Persons; Chapter Two: Commission for Displaced Persons and Refugees; Article XVIII: Entry into Force

This Agreement shall enter into force upon signature.

Page 111; Annex 10: Agreement on Civilian Implementation of the Peace Settlement; Article I: High Representative

1. The Parties agree that the implementation of the civilian aspects of the peace settlement will entail a wide range of activities including [...] promotion of respect for human rights and the return of displaced persons and refugees [...] A considerable number of international organizations and agencies will be called upon to assist.

tj_tru

Truth &
Reconciliation
Commission

tj_rec

Reconciliation

Page 59; Annex 4: Constitution of Bosnia and Herzegovina

[...] Dedicated to peace, justice, tolerance, and reconciliation,

Page 8; Annex 1-A: Agreement On The Military Aspects of The Peace Settlement; Article I: General Obligations

2. The purposes of these obligations are as follows:
(c) to establish lasting security and arms control measures as outlined in Annex 1-B to the General Framework Agreement, which aim to promote a permanent reconciliation between all Parties and to facilitate the achievement of all political arrangements agreed to in the General Framework Agreement.

Page 59; Annex 4: Constitution of Bosnia and Herzegovina; Preamble

Desiring to promote the general welfare and economic growth through the protection of private property and the promotion of a market economy,

Inspired by the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, as well as other human rights instruments,

Page 60-61; Annex 4: Constitution of Bosnia And Herzegovina; Article I: Bosnia and Herzegovina; 7. Citizenship

(b) No person shall be deprived of Bosnia and Herzegovina or Entity citizenship arbitrarily or so as to leave him or her stateless. No person shall be deprived of Bosnia and Herzegovina or Entity citizenship on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

(e) A citizen of Bosnia and Herzegovina abroad shall enjoy the protection of Bosnia and Herzegovina. Each Entity may issue passports of Bosnia and Herzegovina to its citizens as regulated by the Parliamentary Assembly. Bosnia and Herzegovina may issue passports to citizens not issued a passport by an Entity. There shall be a central register of all passports issued by the Entities and by Bosnia and Herzegovina.

Page 62; Annex 4: Constitution of Bosnia and Herzegovina; Article II: Human Rights and Fundamental Freedoms; 4. Non-Discrimination

The enjoyment of the rights and freedoms provided for in this Article or in the international agreements listed in Annex I to this Constitution shall be secured to all persons in Bosnia and Herzegovina without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Page 75; Annex 4: Constitution of Bosnia and Herzegovina; Annex I: Additional Human Rights Agreements to be Applied in Bosnia and Herzegovina

2. 1949 Geneva Conventions I-IV on the Protection of the Victims of War, and the 1977 Geneva Protocols I-II thereto

6. 1965 International Convention on the Elimination of All Forms of Racial Discrimination

12. 1989 Convention on the Rights of the Child

13. 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

15. 1994 Framework Convention for the Protection of National Minorities

Page 82; Annex 6: Agreement on Human Rights; Chapter One: Respect for Human Rights; Article I: Fundamental Rights and Freedoms

The Parties shall secure to all persons within their jurisdiction the highest level of internationally recognized human rights and fundamental freedoms,

tj_pro

Protection Measures

including the rights and freedoms provided in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols and the other international agreements listed in the Appendix to this Annex. These include:

[...]

(14) The enjoyment of the rights and freedoms provided for in this Article or in the international agreements listed in the Annex to this Constitution secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Page 83-84; Annex 6: Agreement on Human Rights; Chapter Two: The Commission On Human Rights; Part A: General; Article II: Establishment of the Commission

2. The Office of the Ombudsman and the Human Rights Chamber shall consider, as subsequently described:

(a) alleged or apparent violations of human rights as provided in the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto, or

(b) alleged or apparent discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status arising in the enjoyment of any of the rights and freedoms provided for in the international agreements listed in the Appendix to this Annex, where such violation is alleged or appears to have been committed by the Parties, including by any official or organ of the Parties, Cantons, Municipalities, or any individual acting under the authority of such official or organ.

Page 91; Chapter Three: General Provisions; Article XIII Organizations Concerned with Human Rights

1. The Parties shall promote and encourage the activities of non-governmental and international organizations for the protection and promotion of human rights.

Page 93; Annex 6: Agreement on Human Rights; Appendix Human Rights Agreements

2. 1949 Geneva Conventions I-IV on the Protection of the Victims of War

7. 1965 International Convention on the Elimination of All Forms of Racial Discrimination

13. 1989 Convention on the Rights of the Child

14. 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

16. 1994 Framework Convention for the Protection of National Minorities

Page 94-95; Annex 7: Agreement on Refugees and Displaced Persons; Chapter One: Protection; Article I: Rights of Refugees and Displaced Persons

2. The Parties shall ensure that refugees and displaced persons are permitted to return in safety, without risk of harassment, intimidation, persecution, or discrimination, particularly on account of their ethnic origin, religious belief, or political opinion.

3. [...]

(b) the prevention and prompt suppression of any written or verbal incitement, through media or otherwise, of ethnic or religious hostility or hatred;

(d) the protection of ethnic and/or minority populations wherever they are found and the provision of immediate access to these populations by international humanitarian organizations and monitors;

(e) the prosecution, dismissal or transfer, as appropriate, of persons in military, paramilitary, and police forces, and other public servants, responsible for serious violations of the basic rights of persons belonging to ethnic or minority groups.

**Page 118, Annex 11: Agreement On International Police Task Force;
Article III: IPTF Assistance Program**

3. The Parties confirm their particular responsibility to ensure the existence of social conditions for free and fair elections, including the protection of international personnel in Bosnia and Herzegovina in connection with the elections provided for in Annex 3 to the General Framework Agreement. They request the IPTF to give priority to assisting the Parties in carrying out this responsibility.

Page 3; Article V

The Parties welcome and endorse the arrangements that have been made concerning the Constitution of Bosnia and Herzegovina, as set forth in Annex 4. The Parties shall fully respect and promote fulfillment of the commitments made therein.

Page 59; Annex 4: Constitution of Bosnia and Herzegovina

[...] Bosniacs, Croats, and Serbs, as constituent peoples (along with Others), and citizens of Bosnia and Herzegovina hereby determine that the Constitution of Bosnia and Herzegovina is as follows:

Page 70-72; Annex 4: Constitution of Bosnia and Herzegovina; Article VI: Constitutional Court

1. Composition.

The Constitutional Court of Bosnia and Herzegovina shall have nine members.
[...]

2. Procedures.

[...]

3. Jurisdiction.

The Constitutional Court shall uphold this Constitution.
[...]

4. Decisions.

Decisions of the Constitutional Court shall be final and binding.

Page 73; Annex 4: Constitution of Bosnia and Herzegovina; Article X: Amendment

1. Amendment Procedure.

This Constitution may be amended by a decision of the Parliamentary Assembly, including a two-thirds majority of those present and voting in the House of Representatives.

2. Human Rights and Fundamental Freedoms.

No amendment to this Constitution may eliminate or diminish any of the rights and freedoms referred to in Article II of this Constitution or alter the present paragraph.

Page 74; Annex 4: Constitution of Bosnia and Herzegovina; Article XII: Entry into Force

1. This Constitution shall enter into force upon signature of the General Framework Agreement as a constitutional act amending and superseding the Constitution of the Republic of Bosnia and Herzegovina.

tr_con

Constitutional
Reform

2. Within three months from the entry into force of this Constitution, the Entities shall amend their respective constitutions to ensure their conformity with this Constitution in accordance with Article 111(3)(b).

Page 65-67; Annex 4: Constitution of Bosnia And Herzegovina; Article IV: Parliamentary Assembly

The Parliamentary Assembly shall have two chambers: the House of Peoples and the House of Representatives.

1. House of Peoples.

1. The House of Peoples shall comprise 15 Delegates, two-thirds from the Federation (including five Croats and five Bosniaks) and one-third from the Republika Srpska (five Serbs).

(a) The designated Croat and Bosniak Delegates from the Federation shall be selected, respectively, by the Croat and Bosniac Delegates to the House of Peoples of the Federation. Delegates from the Republika Srpska shall be selected by the National Assembly of the Republika Srpska.

(b) Nine members of the House of Peoples shall comprise a quorum, provided that at least three Bosniak, three Croat, and three Serb Delegates are present.

2. House of Representatives.

The House of Representatives shall comprise 42 Members, two-thirds elected from the territory of the Federation, one-third from the territory of the Republika Srpska.

(a) Members of the House of Representatives shall be directly elected from their Entity in accordance with an election law to be adopted by the Parliamentary Assembly. The first election, however, shall take place in accordance with Annex 3 to the General Framework Agreement.

(b) A majority of all members elected to the House of Representatives shall comprise a quorum.

3. Procedures.

(a) Each chamber shall be convened in Sarajevo not more than 30 days after its selection or election.

(b) Each chamber shall by majority vote adopt its internal rules and select from its members one Serb, one Bosniak, and one Croat to serve as its Chair and Deputy Chairs, with the position of Chair rotating among the three persons selected.

(c) All legislation shall require the approval of both chambers.

(d) All decisions in both chambers shall be by majority of those present and voting. The Delegates and Members shall make their best efforts to see that the majority includes at least one-third of the votes of Delegates or Members from the territory of each Entity. If a majority vote does not include one-third of the votes of Delegates or Members from the territory of each Entity, the Chair and Deputy Chairs shall meet as a commission and attempt to obtain approval within three days of the vote. If those efforts fail, decisions shall be taken by a majority of those present and voting, provided that the dissenting votes do not include two-thirds or more of the Delegates or Members elected from either Entity.

(e) A proposed decision of the Parliamentary Assembly may be declared to be destructive of a vital interest of the Bosniak, Croat, or Serb people by a majority of, as appropriate, the Bosniak, Croat, or Serb Delegates selected in accordance with paragraph 1(a) above. Such a proposed decision shall require for approval in the House of Peoples a majority of the Bosniak, of the Croat, and of the Serb Delegates present and voting.

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Legislative Branch
Reform

(f) When a majority of the Bosniak, of the Croat, or of the Serb Delegates objects to the invocation of paragraph (e), the Chair of the House of Peoples shall immediately convene a Joint Commission comprising three Delegates, one each selected by the Bosniak, by the Croat, and by the Serb Delegates, to resolve the issue. If the Commission fails to do so within five days, the matter will be referred to the Constitutional Court, which shall in an expedited process review it for procedural regularity.

(g) The House of Peoples may be dissolved by the Presidency or by the House itself, provided that the House's decision to dissolve is approved by a majority that includes the majority of Delegates from at least two of the Bosniak, Croat, or Serb peoples. The House of Peoples elected in the first elections after the entry into force of this Constitution may not, however, be dissolved.

(h) Decisions of the Parliamentary Assembly shall not take effect before publication.

(i) Both chambers shall publish a complete record of their deliberations and shall, save in exceptional circumstances in accordance with their rules, deliberate publicly.

(j) Delegates and Members shall not be held criminally or civilly liable for any acts carried out within the scope of their duties in the Parliamentary Assembly.

4. Powers.

The Parliamentary Assembly shall have responsibility for:

(a) Enacting legislation as necessary to implement decisions of the Presidency or to carry out the responsibilities of the Assembly under this Constitution.

(b) Deciding upon the sources and amounts of revenues for the operations of the institutions of Bosnia and Herzegovina and international obligations of Bosnia and Herzegovina.

(c) Approving a budget for the institutions of Bosnia and Herzegovina.

(d) Deciding whether to consent to the ratification of treaties.

(e) Such other matters as are necessary to carry out its duties or as are assigned to it by mutual agreement of the Entities.

Page 67-70; Annex 4: Constitution of Bosnia And Herzegovina; Article V: Presidency

The Presidency of Bosnia and Herzegovina shall consist of three Members: one Bosniak and one Croat, each directly elected from the territory of the Federation, and one Serb directly elected from the territory of the Republika Srpska.

1. Election and Term.

(a) Members of the Presidency shall be directly elected in each Entity (with each voter voting to fill one seat on the Presidency) in accordance with an election law adopted by the Parliamentary Assembly. The first election, however, shall take place in accordance with Annex 3 to the General Framework Agreement. Any vacancy in the Presidency shall be filled from the relevant Entity in accordance with a law to be adopted by the Parliamentary Assembly.

(b) The term of the Members of the Presidency elected in the first election shall be two years; the term of Members subsequently elected shall be four years. Members shall be eligible to succeed themselves once and shall thereafter be ineligible for four years.

2. Procedures.

(a) The Presidency shall determine its own rules of procedure, which shall provide for adequate notice of all meetings of the Presidency.

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Executive Branch
Reform

(b) The Members of the Presidency shall appoint from their Members a Chair. For the first term of the Presidency, the Chair shall be the Member who received the highest number of votes. Thereafter, the method of selecting the Chair, by rotation or otherwise, shall be determined by the Parliamentary Assembly, subject to Article IV(3).

(c) The Presidency shall endeavor to adopt all Presidency Decisions (i.e., those concerning matters arising under Article V(3)(a) – (e)) by consensus. Such decisions may, subject to paragraph (d) below, nevertheless be adopted by two Members when all efforts to reach consensus have failed.

(d) A dissenting Member of the Presidency may declare a Presidency Decision to be destructive of a vital interest of the Entity from the territory from which he was elected, provided that he does so within three days of its adoption. Such a Decision shall be referred immediately to the National Assembly of the Republika Srpska, if the declaration was made by the Member from that territory; to the Bosniak Delegates of the House of Peoples of the Federation, if the declaration was made by the Bosniak Member; or to the Croat Delegates of that body, if the declaration was made by the Croat Member. If the declaration is confirmed by a two-thirds vote of those persons within ten days of the referral, the challenged Presidency Decision shall not take effect.

3. Powers.

The Presidency shall have responsibility for:

(a) Conducting the foreign policy of Bosnia and Herzegovina.

(b) Appointing ambassadors and other international representatives of Bosnia and Herzegovina, no more than two-thirds of whom may be selected from the territory of the Federation.

(c) Representing Bosnia and Herzegovina in international and European organizations and institutions and seeking membership in such organizations and institutions of which Bosnia and Herzegovina is not a member.

(d) Negotiating, denouncing, and, with the consent of the Parliamentary Assembly, ratifying treaties of Bosnia and Herzegovina.

(e) Executing decisions of the Parliamentary Assembly.

(f) Proposing, upon the recommendation of the Council of Ministers, an annual budget to the Parliamentary Assembly.

(g) Reporting as requested, but not less than annually, to the Parliamentary Assembly on expenditures by the Presidency.

(h) Coordinating as necessary with international and nongovernmental organizations in Bosnia and Herzegovina.

(i) Performing such other functions as may be necessary to carry out its duties, as may be assigned to it by the Parliamentary Assembly, or as may be agreed by the Entities.

4. Council of Ministers.

The Presidency shall nominate the Chair of the Council of Ministers, who shall take office upon the approval of the House of Representatives. The Chair shall nominate a Foreign Minister, a Minister for Foreign Trade, and other Ministers as may be appropriate, who shall take office upon the approval of the House of Representatives.

(a) Together the Chair and the Ministers shall constitute the Council of Ministers, with responsibility for carrying out the policies and decisions of Bosnia and Herzegovina in the fields referred to in Article III(1), (4), and (5) and reporting to the Parliamentary Assembly (including, at least annually, on expenditures by Bosnia and Herzegovina).

(b) No more than two-thirds of all Ministers may be appointed from the territory of the Federation. The Chair shall also nominate Deputy Ministers (who shall

not be of the same constituent people as their Ministers), who shall take office upon the approval of the House of Representatives.

(c) The Council of Ministers shall resign if at any time there is a vote of no-confidence by the Parliamentary Assembly.

5. Standing Committee.

(a) Each member of the Presidency shall, by virtue of the office, have civilian command authority over armed forces. Neither Entity shall threaten nor use force against the other Entity, and under no circumstances shall any armed forces of either Entity enter into or stay within the territory of the other Entity without the consent of the government of the latter and of the Presidency of Bosnia and Herzegovina. All armed forces in Bosnia and Herzegovina shall operate consistently with the sovereignty and territorial integrity of Bosnia and Herzegovina.

(b) The members of the Presidency shall select a Standing Committee on Military Matters to coordinate the activities of armed forces in Bosnia and Herzegovina. The Members of the Presidency shall be members of the Standing Committee.

Page 70-72; Annex 4: Constitution of Bosnia and Herzegovina; Article VI: Constitutional Court

1. Composition.

The Constitutional Court of Bosnia and Herzegovina shall have nine members.

(a) Four members shall be selected by the House of Representatives of the Federation, and two members by the Assembly of the Republika Srpska. The remaining three members shall be selected by the President of the European Court of Human Rights after consultation with the Presidency.

(b) Judges shall be distinguished jurists of high moral standing. Any eligible voters so qualified may serve as a judge of the Constitutional Court. The judges selected by the President of the European Court of Human Rights shall not be citizens of Bosnia and Herzegovina or of any neighboring state.

(c) The term of judges initially appointed shall be five years, unless they resign or are removed for cause by consensus of the other judges. Judges initially appointed shall not be eligible for reappointment. Judges subsequently appointed shall serve until age 70, unless they resign or are removed for cause by consensus of the other judges.

(d) For appointments made more than five years after the initial appointment of judges, the Parliamentary Assembly may provide by law for a different method of selection of the three judges selected by the President of the European Court of Human Rights.

tr_jud

Judiciary Reform

2. Procedures.

(a) A majority of all members of the Court shall constitute a quorum.

(b) The Court shall adopt its own rules of court by a majority of all members. It shall hold public proceedings and shall issue reasons for its decisions, which shall be published.

3. Jurisdiction.

The Constitutional Court shall uphold this Constitution.

(a) The Constitutional Court shall have exclusive jurisdiction to decide any dispute that arises under this Constitution between the Entities or between Bosnia and Herzegovina and an Entity or Entities, or between institutions of Bosnia and Herzegovina, including but not limited to:

-- Whether an Entity's decision to establish a special parallel relationship with a neighboring state is consistent with this Constitution, including provisions concerning the sovereignty and territorial integrity of Bosnia and Herzegovina.
-- Whether any provision of an Entity's constitution or law is consistent with this Constitution.

Disputes may be referred only by a member of the Presidency, by the Chair of the Council of Ministers, by the Chair or a Deputy Chair of either chamber of the Parliamentary Assembly, by one-fourth of the members of either chamber of the Parliamentary Assembly, or by one-fourth of either chamber of a legislature of an Entity.

(b) The Constitutional Court shall also have appellate jurisdiction over issues under this Constitution arising out of a judgement of any other court in Bosnia and Herzegovina.

(c) The Constitutional Court shall have jurisdiction over issues referred by any court in Bosnia and Herzegovina concerning whether a law, on whose validity its decision depends, is compatible with this Constitution, with the European Convention for Human Rights and Fundamental Freedoms and its Protocols, or with the laws of Bosnia and Herzegovina; or concerning the existence of or the scope of a general rule of public international law pertinent to the court's decision.

4. Decisions.

Decisions of the Constitutional Court shall be final and binding.

Page 76; Annex 4: Constitution of Bosnia and Herzegovina; Annex II: Transitional Arrangements; 3. Judicial and Administrative Proceedings

All proceedings in courts or administrative agencies functioning within the territory of Bosnia and Herzegovina when the Constitution enters into force shall continue in or be transferred to other courts or agencies in Bosnia and Herzegovina in accordance with any legislation governing the competence of such courts or agencies.

tr_adm

Public
Administration
Reform

Page 8; Annex 1-A: Agreement on the Military Aspects of the Peace Agreement; Article I: General Obligations

2. The purposes of these obligations are as follows:

(a) to establish a durable cessation of hostilities. Neither Entity shall threaten or use force against the other Entity, and under no circumstances shall any armed forces of either Entity enter into or stay within the territory of the other Entity without the consent of the government of the latter and of the Presidency of Bosnia and Herzegovina. All armed forces in Bosnia and Herzegovina shall operate consistently with the sovereignty and territorial integrity of Bosnia and Herzegovina;

Page 8-9; Annex 1-A: Agreement on the Military Aspects of the Peace Agreement; Article II: Cessation of Hostilities

1. The Parties shall comply with the cessation of hostilities begun with the agreement of October 5, 1995 and shall, continue to refrain from all offensive operations of any type against each other. An offensive operation in this case is an action that includes projecting forces or fire forward of a Party's own lines. Each Party shall ensure that all personnel and organizations with military capability under its control or within territory under its control, including armed civilian groups, national guards, army reserves, military police, and the Ministry of Internal Affairs Special Police (MUP) (hereinafter "Forces") comply with this Annex. The term "Forces" does not include UNPROFOR, the International Police Task Force referred to in the General Framework Agreement, the IFOR or other elements referred to in Article I, paragraph 1(c).

tr_mil

Military Reform

Page 18-19; Annex 1-A: Agreement on the Military Aspects of the Peace Agreement; Article VI: Deployment of the Implementation Force

7. The Army of the Republic of Bosnia and Herzegovina, the Croat Defense Council Forces, and the Army of Republika Srpska shall establish Command Posts at IFOR brigade, battalion, or other levels which shall be co-located with specific IFOR command locations, as determined by the IFOR Commander. These Command Posts shall exercise command and control over all Forces of their respective sides which are located within ten (10) kilometers of the Agreed Cease-Fire Line or Inter-Entity Boundary Line, as specified by the IFOR. The Command Posts shall provide, at the request of the IFOR, timely status reports on organizations and troop levels in their areas.

Page 19; Annex 1-A: Agreement on the Military Aspects of the Peace Agreement; Article VI: Deployment of the Implementation Force

8. In addition to co-located Command Posts, the Army of the Republic of Bosnia and Herzegovina, the Croat Defense Council Forces, and the Army of Republika Srpska shall maintain liaison teams to be co-located with the IFOR Command, as determined by the IFOR Commander, for the purpose of fostering communication, and preserving the overall cessation of hostilities.

Page 43; Annex 1-B: Agreement on Regional Stabilization; Article II: Confidence-and Security-Building Measures in Bosnia and Herzegovina

[...] The objective of these negotiations is to agree upon an initial set of measures within forty-five (45) days after this Annex enters into force including, but not necessarily limited to, the following:

- (a) restrictions on military deployments and exercises in certain geographical areas;
- (b) restraints on the reintroduction of foreign Forces in light of Article III of Annex 1-A to the General Framework Agreement;
- (c) restrictions on locations of heavy weapons;
- (d) withdrawal of Forces and heavy weapons to cantonment/barracks areas or other designated locations as provided in Article IV of Annex 1-A;
- (e) notification of disbandment of special operations and armed civilian groups;
- (f) notification of certain planned military activities, including international military assistance and training programs;
- (g) identification of and monitoring of weapons manufacturing capabilities;
- (h) immediate exchange of data on the holdings of the five Treaty on Conventional Armed Forces in Europe (hereinafter "CFE") weapons categories as defined in the CFE Treaty, with the additional understanding that artillery pieces will be defined as those of 75mm calibre and above; and
- (i) immediate establishment of military liaison missions between the Chiefs of the Armed Forces of the Federation of Bosnia and Herzegovina and the Republika Srpska;

Page 70; Annex 4: Constitution of Bosnia and Herzegovina; Article 5: Presidency; 5. Standing Committee

(a) Each member of the Presidency shall, by virtue of the office, have civilian command authority over armed forces. Neither Entity shall threaten or use force against the other Entity, and under no circumstances shall any armed forces of either Entity enter into or stay within the territory of the other Entity without the consent of the government of the latter and of the Presidency of Bosnia and Herzegovina. All armed forces in Bosnia and Herzegovina shall operate consistently with the sovereignty and territorial integrity of Bosnia and Herzegovina.

(b) The members of the Presidency shall select a Standing Committee on Military Matters to coordinate the activities of armed forces in Bosnia and Herzegovina. The Members of the Presidency shall be members of the Standing Committee.

Page 141-42; Letter from Alija Izetbegovic to Warren Christopher; Military Exchanges

In the context of regional arms control and related military confidence-building measures agreed elsewhere by Bosnia and Herzegovina and the Federal Republic of Yugoslavia, my government will promote familiarization and staff exchange visits for officers from the armed forces of the other country. These

visits will explore, among other measures, the establishment of liaison offices to each other's respective defense chiefs.

Page 144-45; Letter from Slobodan Milosevic to Warren Christopher; Military Exchanges

In the context of regional arms control and related military confidence-building measures agreed elsewhere by Bosnia and Herzegovina and the Federal Republic of Yugoslavia, my government will promote familiarization and staff exchange visits for officers from the armed forces of the other country. These visits will explore, among other measures, the establishment of liaison offices to each other's respective defense chiefs.

Page 9; Annex 1-A: Agreement on the Military Aspects of the Peace Agreement; Article II: Cessation of Hostilities

3. [...] The Parties also commit themselves to disarm and disband all armed civilian groups, except for authorized police forces, within 30 days after the Transfer of Authority.

Page 116; Annex 11: Agreement on International Police Task Force; Article I: Civilian Law Enforcement

2. To assist them in meeting their obligations the Parties request that the United Nations establish by a decision of the Security Council, as a UNCIVPOL operation, a U.N. International Police Task Force (IPTF) to carry out, throughout Bosnia and Herzegovina, the program of assistance the elements of which are described in Article III below.

Page 116-17; Annex 11: Agreement on International Police Task Force; Article II: Establishment of the IPTF

1. The IPTF shall be autonomous with regard to the execution of its functions under this Agreement. Its activities will be coordinated through the High Representative described in Annex 10 to the General Framework Agreement.

2. The IPTF will be headed by a Commissioner, who will be appointed by the Secretary General of the United Nations in consultation with the Security Council. It shall consist of persons of high moral standing who have experience in law enforcement. The IPTF Commissioner may request and accept personnel, resources, and assistance from states and international and nongovernmental organizations.

3. The IPTF Commissioner shall receive guidance from the High Representative.

4. The IPTF Commissioner shall periodically report on matters within his or her responsibility to the High Representative, the Secretary General of the United Nations, and shall provide information to the IFOR Commander and, as he or she deems appropriate, other institutions and agencies.

5. The IPTF shall at all times act in accordance with internationally recognized standards and with respect for internationally recognized human rights and fundamental freedoms, and shall respect, consistent with the IPTF's responsibilities, the laws and customs of the host country.

6. The Parties shall accord the IPTF Commissioner, IPTF personnel, and their families the privileges and immunities described in Sections 18 and 19 of the 1946 Convention on the Privileges and Immunities of the United Nations. In particular, they shall enjoy inviolability, shall not be subject to any form of arrest or detention, and shall have absolute immunity from criminal jurisdiction. IPTF personnel shall remain subject to penalties and sanctions under applicable laws and regulations of the United Nations and other states.

7. The IPTF and its premises, archives, and other property shall be accorded the same privileges and immunities, including inviolability, as are described in

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Police Reform

Articles II and III of the 1946 Convention on the Privileges and Immunities of the United Nations.

8. In order to promote the coordination by the High Representative of IPTF activities with those of other civilian organizations and agencies and of the (IFOR), the IPTF Commissioner or his or her representatives may attend meetings of the Joint Civilian Commission established in Annex 10 to the General Framework Agreement and of the Joint Military Commission established in Annex 1, as well as meetings of their subordinate commissions. The IPTF Commissioner may request that meetings of appropriate commissions be convened to discuss issues within his or her area of responsibility.

**Page 118; Annex 11: Agreement on International Police Task Force;
Article III: IPTF Assistance Program**

1. IPTF assistance includes the following elements, to be provided in a program designed and implemented by the IPTF Commissioner in accordance with the Security Council decision described in Article 1(2):
[...]

**Page 119; Annex 11: Agreement on International Police Task Force;
Article IV: Specific Responsibilities of the Parties**

1. The Parties shall cooperate fully with the IPTF and shall so instruct all their law enforcement agencies.

2. Within 30 days after this Agreement enters into force, the Parties shall provide the IPTF Commissioner or his or her designee with information on their law enforcement agencies, including their size, location, and force structure. Upon request of the IPTF Commissioner, they shall provide additional information, including any training, operational, or employment and service records of law enforcement agencies and personnel.

4. Upon request by the IPTF, the Parties shall make available for training qualified personnel, who are expected to take up law enforcement duties immediately following such training.

5. The Parties shall facilitate the operations of the IPTF in Bosnia and Herzegovina, including by the provision of appropriate assistance as requested with regard to transportation, subsistence, accommodations, communications, and other facilities at rates equivalent to those provided for the IFOR under applicable agreements.

**Page 119-120; Annex 11: Agreement on International Police Task Force;
Article V: Failure to Cooperate**

1. Any obstruction of or interference with IPTF activities, failure or refusal to comply with an IPTF request, or other failure to meet the Parties' responsibilities or other obligations in this Agreement, shall constitute a failure to cooperate with the IPTF.

2. The IPTF Commissioner will notify the High Representative and inform the IFOR Commander of failures to cooperate with the IPTF. The IPTF Commissioner may request that the High Representative take appropriate steps upon receiving such notifications, including calling such failures to the attention of the Parties, convening the Joint Civilian Commission, and consulting with the United Nations, relevant states, and international organizations on further responses.

**Page 120; Annex 11: Agreement on International Police Task Force;
Article VI: Human Rights**

1. When IPTF personnel learn of credible information concerning violations of internationally recognized human rights or fundamental freedoms or of the role of law enforcement officials or forces in such violations, they shall provide such information to the Human Rights Commission established in Annex 6 to the

		<p>General Framework Agreement, the International Tribunal for the Former Yugoslavia, or to other appropriate organizations.</p> <p>2. The Parties shall cooperate with investigations of law enforcement forces and officials by the organizations described in paragraph 1.</p>
tr_edu	Education Reform	
tr_med	Media Reform	<p>Page 63; Annex 4: Constitution of Bosnia and Herzegovina; Article III: Responsibilities of and Relations Between The Institutions of Bosnia and Herzegovina and the Entities</p> <p>1. Responsibilities of the Institutions of Bosnia and Herzegovina. The following matters are the responsibility of the institutions of Bosnia and Herzegovina: (h) Establishment and operation of common and international communications facilities.</p> <p>Page 95; Annex 7: Agreement on Refugees and Displaced Persons; Chapter One: Protection; Article I: Rights of Refugees and Displaced Persons</p> <p>3. [...] the Parties shall take immediately the following confidence building measures: (b) the prevention and prompt suppression of any written or verbal incitement, through media or otherwise, of ethnic or religious hostility or hatred; (c) the dissemination, through the media, of warnings against, and the prompt suppression of, acts of retribution by military, paramilitary, and police services, and by other public officials or private individuals;</p>
tr_ddr	Demobilization, Disarmament & Reintegration	<p>Page 9; Annex 1-A: Agreement on the Military Aspects of the Peace Agreement; Article II: Cessation of Hostilities</p> <p>3. [...] The Parties also commit themselves to disarm and disband all armed civilian groups, except for authorized police forces, within 30 days after the Transfer of Authority.</p> <p>Page 15; Annex 1-A: Agreement on the Military Aspects of the Peace Agreement; Article IV: Redeployment of Forces; 5. Phase III</p> <p>The Parties pledge as confidence building measures that they shall: (a) within 120 days after the Transfer of Authority withdrawal heavy weapons and Forces to cantonment/barracks areas or other locations as designated by the IFOR Commander. "Heavy weapons" refers to all tanks and armored vehicles, all artillery 75 mm and above, all mortars 81 mm and above, and all anti-aircraft weapons 20 mm and above. This movement of these Forces to cantonment/barracks areas is intended to enhance mutual confidence by the Parties in the success of this Annex and help the overall cause of peace in Bosnia and Herzegovina. (b) within 120 days after the Transfer of Authority demobilize Forces which cannot be accommodated in cantonment/barracks areas as provided in subparagraph (a) above. Demobilization shall consist of removing from the possession of these personnel all weapons, including individual weapons, explosive devices, communications equipment, vehicles, and all other military equipment. All personnel belonging to these Forces shall be released from service and shall not engage in any further training or other military activities.</p> <p>Page 43; Annex 1-B: Agreement on Regional Stabilisation; Article II: Confidence and Security-Building Measures in Bosnia and Herzegovina</p>

[...] The objective of these negotiations is to agree upon an initial set of measures within forty-five (45) days after this Annex enters into force including, but not necessarily limited to, the following:
(e) notification of disbandment of special operations and armed civilian groups;

Page 9; Annex 1-A: Agreement On The Military Aspects Of The Peace Settlement; Article II: Cessation of Hostilities

3. [...] The Parties also commit themselves to disarm and disband all armed civilian groups, except for authorized police forces, within 30 days after the Transfer of Authority.

Page 10; Annex 1-A: Agreement On The Military Aspects Of The Peace Settlement; Article III: Withdrawal of Foreign Forces

1. All Forces in Bosnia and Herzegovina as of the date this Annex enters into force which are not of local origin, whether or not they are legally and militarily subordinated to the Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, or Republika Srpska, shall be withdrawn together with their equipment from the territory of Bosnia and Herzegovina within thirty (30) days. [...]

Page 10-13; Annex 1-A: Agreement On The Military Aspects Of The Peace Settlement; Article IV: Redeployment of Forces; 2. Phase I

(a) [...] This withdrawal shall be completed within thirty (30) days after the Transfer of Authority. [...]

Sarajevo

(1) Within seven (7) days after the Transfer of Authority, the Parties shall transfer and vacate selected positions along the Agreed Cease-Fire Line according to instructions to be issued by the IFOR Commander.

(2) The Parties shall complete withdrawal from the Agreed Cease-Fire Zone of Separation in Sarajevo within thirty (30) days after the Transfer of Authority, in accordance with Article IV, paragraph 2. [...]

Gorazde

(d) The Parties immediately after this Annex enters into force shall begin promptly and proceed steadily to complete the following activities within thirty (30) days after the Transfer of Authority or as determined by the IFOR Commander: [...]

Page 13; Annex 1-A: Agreement On The Military Aspects Of The Peace Settlement; Article IV: Redeployment of Forces; 3. Phase II (As Required In Specific Locations)

(a) In those locations in which, pursuant to the General Framework Agreement, areas occupied by one Entity are to be transferred to another Entity, all Forces of the withdrawing Entity shall have forty-five (45) days after the Transfer of Authority to completely vacate and clear this area. This shall include the removal of all Forces as well as the removal, dismantling or destruction of equipment, mines, obstacles, unexploded ordnance, explosive devices, demolitions, and weapons. In those areas being transferred to a different Entity, in order to provide an orderly period of transition, the Entity to which an area is transferred shall not put Forces in this area for ninety (90) days after the Transfer of Authority or as determined by the IFOR Commander. The Parties understand and agree that the IFOR shall have the right to provide the military security for these transferred areas from thirty (30) days after the Transfer of Authority until ninety-one (91) days after the Transfer of Authority, or as soon as possible as determined by the IFOR Commander, when these areas may be occupied by the Forces of the Entity to which they are transferred. [...]

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Transitional
Timeline

Page 14; Annex 1-A: Agreement On The Military Aspects Of The Peace Settlement; Article IV: Redeployment of Forces; 4. General

(b) All Parties understand and agree that they shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance, for:

- (1) failure to remove all their Forces and unauthorized weapons from the four (4) kilometer Agreed Cease-Fire Zone of Separation within thirty (30) days after the Transfer of Authority, as provided in Article IV, paragraph 2(a) and (b) above;
- (2) failure to vacate and clear areas being transferred to another Entity within forty-five (45) days after the Transfer of Authority, as provided in Article IV, paragraph 3(a) above;
- (3) deploying Forces within areas transferred from another Entity earlier than ninety (90) days after the Transfer of Authority or as determined by the IFOR Commander, as provided in Article IV, paragraph 3(a) above;

[...]

Page 15; Annex 1-A: Agreement On The Military Aspects Of The Peace Settlement; Article IV: Redeployment of Forces; 5. Phase III

The Parties pledge as confidence building measures that they shall:

- (a) within 120 days after the Transfer of Authority withdraw all heavy weapons and Forces to cantonment/barracks areas or other locations as designated by the IFOR Commander. "Heavy weapons" refers to all tanks and armored vehicles, all artillery 75 mm and above, all mortars 81 mm and above, and all anti-aircraft weapons 20 mm and above. This movement of these Forces to cantonment/barracks areas is intended to enhance mutual confidence by the Parties in the success of this Annex and help the overall cause of peace in Bosnia and Herzegovina.
- (b) within 120 days after the Transfer of Authority demobilize Forces which cannot be accommodated in cantonment/barracks areas as provided in subparagraph (a) above. Demobilization shall consist of removing from the possession of these personnel all weapons, including individual weapons, explosive devices, communications equipment, vehicles, and all other military equipment. All personnel belonging to these Forces shall be released from service and shall not engage in any further training or other military activities.

Page 16; Annex 1-A: Agreement On The Military Aspects Of The Peace Settlement; Article V: Notifications

2. Within thirty (30) days after the Transfer of Authority, each Party shall furnish to the Joint Military Commission the following specific information regarding the status of its Forces within Bosnia and Herzegovina and shall keep the Joint Military Commission updated on changes in this information: [...]

3. Within 120 days after the Transfer of Authority, the Parties shall furnish to the Joint Military Commission the following specific information regarding the status of their Forces in Bosnia and Herzegovina and shall keep the Joint Military Commission updated on changes in this information: [...]

Page 22-23; Annex 1-A: Agreement On The Military Aspects Of The Peace Settlement; Article IX: Prisoner Exchanges

1. The Parties shall release and transfer without delay all combatants and civilians held in relation to the conflict (hereinafter "prisoners"), in conformity with international humanitarian law and the provisions of this Article.

(c) No later than thirty (30) days after the Transfer of Authority, the Parties shall release and transfer all prisoners held by them.

(d) In order to expedite this process, no later than twenty-one (21) days after this Annex enters into force, the Parties shall draw up comprehensive lists of prisoners and shall provide such lists to the ICRC, to the other Parties, and to the Joint Military Commission and the High Representative. These lists shall identify prisoners by nationality, name, rank (if any) and any internment or military serial number, to the extent applicable.

Page 42; Annex 1-B: Agreement On Regional Stabilization; Article II: Confidence- and Security-Building Measures in Bosnia and Herzegovina

Within seven days after this Agreement (hereinafter "Annex") enters into force, the Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and the Republika Srpska shall at an appropriately high political level commence negotiations under the auspices of the Organization for Security and Cooperation in Europe (hereinafter "OSCE") to agree upon a series of measures to enhance mutual confidence and reduce the risk of conflict, drawing fully upon the 1994 Vienna Document of the Negotiations on Confidence- and Security-Building Measures of the OSCE. The objective of these negotiations is to agree upon an initial set of measures within forty-five (45) days after this Annex enters into force including, but not necessarily limited to, the following: [...]

Page 43-44; Annex 1-B: Agreement On Regional Stabilization; Article III: Regional Confidence- and Security-Building Measures

To supplement the measures in Article II above on a wider basis, the Parties agree to initiate steps toward a regional agreement on confidence- and security-building measures. The Parties agree:

- (a) not to import any arms for ninety (90) days after this Annex enters into force;
- (b) not to import for 180 days after this Annex enters into force or until the arms control agreement referred to in Article IV below takes effect, whichever is the earlier, heavy weapons or heavy weapons ammunition, mines, military aircraft, and helicopters. Heavy weapons refers to all tanks and armored vehicles, all artillery 75 mm and above, all mortars 81 mm and above, and all anti-aircraft weapons 20 mm and above.

Page 44-45; Annex 1-B: Agreement On Regional Stabilization; Article IV: Measures for Sub-Regional Arms Control

1. Recognizing the importance of achieving balanced and stable defense force levels at the lowest numbers consistent with their respective security, and understanding that the establishment of a stable military balance based on the lowest level of armaments will be an essential element in preventing the recurrence of conflict, the Parties within thirty (30) days after this Annex enters into force shall commence negotiations under the auspices of the OSCE to reach early agreement on levels of armaments consistent with this goal. Within thirty (30) days after this Annex enters into force, the Parties shall also commence negotiations on an agreement establishing voluntary limits on military manpower.

2. [...] (b) In order to establish a baseline, the Parties agree to report within thirty (30) days after this Annex enters into force their holdings as defined in sub-paragraph (a) above, according to the format prescribed in the 1992 Vienna Document of the OSCE.

3. The Parties agree to complete within 180 days after this Annex enters into force the negotiations above on agreed numerical limits on the categories referred to in paragraph 2(a) of this Article. If the Parties fail to agree to such limits within 180 days after this Annex enters into force, the following limits shall apply, according to a ratio of 5:2:2 based on the approximate ratio of populations of the Parties: [...]

Page 49; Annex 1-B: Agreement On Regional Stabilization; Article V: Arbitration for the Brcko Area

2. No later than six months after the entry into force of this Agreement, the Federation shall appoint one arbitrator, and the Republika Srpska shall appoint one arbitrator. A third arbitrator shall be selected by agreement of the Parties' appointees within thirty days thereafter. [...]

Page 49; Annex 1-B: Agreement On Regional Stabilization; Article VI: Transition

In those areas transferring from one Entity to the; other in accordance with the demarcation described herein, there, shall be a transitional period to provide for the orderly transfer of authority. The transition shall be completed forty-five (45) days after the Transfer of Authority from the UNPROFOR Commander to the IFOR Commander, as described in Annex 1-A.

Page 66; Annex 4: Constitution of Bosnia and Herzegovina; Article IV: Parliamentary Assembly; 3. Procedures.

(a) Each chamber shall be convened in Sarajevo not more than 30 days after its selection or election.

[...]

Page 77; Annex II: Transitional Arrangements; 5. Treaties.

Any treaty ratified by the Republic of Bosnia and Herzegovina between January 1, 1992 and the entry into force of this Constitution shall be disclosed to Members of the Presidency within 15 days of their assuming office; any such treaty not disclosed shall be denounced. Within six months after the Parliamentary Assembly is first convened, at the request of any member of the Presidency, the Parliamentary Assembly shall consider whether to denounce any other such treaty.

Page 87; Part C: Human Rights Chamber; Article VII: Human Rights Chamber

2. Within 90 days after this Agreement enters into force, the Federation of Bosnia and Herzegovina shall appoint, four members and the Republika Srpska shall appoint two members. The Committee of Ministers of the Council of Europe, pursuant to its resolution (93)6, after consultation with the Parties shall appoint the remaining members, who shall not be citizens of Bosnia and Herzegovina or any neighboring state, and shall designate one such member as the President of the Chamber.

Page 98; Annex 7: Agreement On Refugees And Displaced Persons; Article IX: Composition

1. The Commission shall be composed of nine members. Within 90 days after this Agreement enters into force, the Federation of Bosnia and Herzegovina shall appoint four members, two for a term of three years and the others for a term of four years, and the Republika Srpska shall appoint two members, one for a term of three years and the other for a term of four years.

Page 103; Annex 8: Agreement On Commission To Preserve National Monuments; Article II: Composition

1. The Commission shall be composed of five members. Within 90 days after this Agreement enters into force, the Federation of Bosnia and Herzegovina shall appoint two members, and the Republika Srpska one member, each serving a term of three years. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall appoint the remaining members, each for a term of five years, and shall designate one such member as the Chairman. The members of the Commission may be reappointed. No person who is serving a sentence imposed by the International Tribunal for the Former Yugoslavia, and no person who is under indictment by the Tribunal and who has failed to comply with an order to appear before the Tribunal, may serve on the Commission.

Page 108; Annex 9: Agreement on Establishment of Bosnia and Herzegovina Public Corporations; Article I: Commission on Public Corporations

2. The Commission shall have five Members. Within fifteen days after this Agreement enters into force, the Federation of Bosnia and Herzegovina shall appoint two Members, and the Republika Srpska one Member. [...]

Page 109; Annex 9: Agreement on Establishment of Bosnia and Herzegovina Public Corporations; Article II: Establishment of a Transportation Corporation

4. The Transportation Corporation shall operate transportation facilities as agreed by the Parties. The Parties shall, as part of their agreement, provide the Corporation with necessary legal authority. The Parties shall meet within fifteen days after this Agreement enters into force to consider which facilities the Corporation will operate.

5. Within thirty days after this Agreement enters into force, the Parties shall agree on sums of money to be contributed to the Transportation Corporation for its initial operating budget. [...]

Page 119; Annex 11: Agreement On International Police Task Force; Article IV: Specific Responsibilities of the Parties

2. Within 30 days after this Agreement enters into force, the Parties shall provide the IPTF Commissioner or his or her designee with information on their law enforcement agencies, including their size, location, and force structure. [...]

Page 3; Article IV

The Parties welcome and endorse the elections program for Bosnia and Herzegovina as set forth in Annex 3. The Parties shall fully respect and promote fulfillment of that program.

Page 18; Annex 1-A: Agreement on the Military Aspects of the Peace Settlement; Article VI: Deployment of the Implementation Force

3. The Parties understand and agree that the IFOR shall have the right to fulfill its supporting tasks, within the limits of its assigned principal tasks and available resources, and on request, which include the following:

(a) to help create secure conditions for the conduct by others of other tasks associated with the peace settlement, including free and fair elections;

Page 53-56; Annex 3: Agreement on Elections

tr_epr Electoral & Political Party Reform

In order to promote free, fair, and democratic elections and to lay the foundation for representative government and ensure the progressive achievement of democratic goals throughout Bosnia and Herzegovina, in accordance with relevant documents of the Organization for Security and Cooperation in Europe (OSCE), the Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republika Srpska ("the Parties") have agreed as follows:

Article I: Conditions for Democratic Elections

1. The Parties shall ensure that conditions exist for the organization of free and fair elections, in particular a politically neutral environment; shall protect and enforce the right to vote in secret without fear or intimidation; shall ensure freedom of expression and of the press; shall allow and encourage freedom of association (including of political parties); and shall ensure freedom of movement.

2. The Parties request the OSCE to certify whether elections can be effective under current social conditions in both Entities and, if necessary, to provide assistance to the Parties in creating these conditions.

3. The Parties shall comply fully with paragraphs 7 and 8 of the OSCE Copenhagen Document, which are attached to this Agreement.

Article II: The OSCE Role

1. OSCE. The Parties request the OSCE to adopt and put in place an elections program for Bosnia and Herzegovina as set forth in this Agreement.

2. Elections. The Parties request the OSCE to supervise, in a manner to be determined by the OSCE and in cooperation with other international organizations the OSCE deems necessary, the preparation and conduct of elections for the House of Representatives of Bosnia and Herzegovina; for the Presidency of Bosnia and Herzegovina; for the House of Representatives of the Federation of Bosnia and Herzegovina; for the National Assembly of the Republika Srpska; for the Presidency of the Republika Srpska; and, if feasible, for cantonal legislatures and municipal governing authorities.

3. The Commission. To this end, the Parties request the OSCE to establish a Provisional Election Commission ("the Commission").

4. Timing. Elections shall take place on a date ("Election Day") six months after entry into force of this Agreement or, if the OSCE determines a delay necessary, no later than nine months after entry into force.

Article III: The Provisional Election Commission

1. Rules and Regulations. The Commission shall adopt electoral rules and regulations regarding: the registration of political parties and independent candidates; the eligibility of candidates and voters; the role of domestic and international election observers; the ensuring of an open and fair electoral campaign; and the establishment, publication, and certification of definitive election results. The Parties shall comply fully with the electoral rules and regulations, any internal laws and regulations notwithstanding.

2. Mandate of the Commission. The responsibilities of the Commission, as provided in the electoral rules and regulations, shall include:

(a) supervising all aspects of the electoral process to ensure that the structures and institutional framework for free and fair elections are in place;

(b) determining voter registration provisions;

(c) ensuring compliance with the electoral rules and regulations established pursuant to this Agreement;

(d) ensuring that action is taken to remedy any violation of any provision of this Agreement or of the electoral rules and regulations established pursuant to this Agreement, including imposing penalties against any person or body that violates such provisions; and

(e) accrediting observers, including personnel from international organizations and foreign and domestic non-governmental organizations, and ensuring that the Parties grant accredited observers unimpeded access and movement.

3. Composition and Functioning of the Commission. The Commission shall consist of the Head of the OSCE Mission, the High Representative or his or her designee, representatives of the Parties, and such other persons as the Head of the OSCE Mission, in consultation with the Parties, may decide. The Head of the OSCE Mission shall act as Chairman of the Commission. In the event of disputes within the Commission, the decision of the Chairman shall be final.

4. Privileges and Immunities. The Chairman and Commission shall enjoy the right to establish communications facilities and to engage local and administrative staff, and the status, privileges and immunities accorded to a diplomatic agent and mission under the Vienna Convention on Diplomatic Relations.

Article IV: Eligibility

1. Voters. Any citizen of Bosnia and Herzegovina aged 18 or older whose name appears on the 1991 census for Bosnia and Herzegovina shall be eligible, in accordance with electoral rules and regulations, to vote. A citizen who no longer lives in the municipality in which he or she resided in 1991 shall, as a general rule, be expected to vote, in person or by absentee ballot, in that municipality, provided that the person is determined to have been registered in that municipality as confirmed by the local election commission and the Provisional Election Commission. Such a citizen may, however, apply to the

Commission to cast his or her ballot elsewhere. The exercise of a refugee's right to vote shall be interpreted as confirmation of his or her intention to return to Bosnia and Herzegovina. By Election Day, the return of refugees should already be underway, thus allowing many to participate in person in elections in Bosnia and Herzegovina. The Commission may provide in the electoral rules and regulations for citizens not listed in the 1991 census to vote.

Article V: Permanent Election Commission

The Parties agree to create a permanent Election Commission with responsibilities to conduct future elections in Bosnia and Herzegovina.

Page 57-58; Annex 3: Agreement on Elections; Attachment to Annex 3 on Elections

Document of the Second Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe, Copenhagen, 1990

Paragraphs 7 and 8:

(7) To ensure that the will of the people serves as the basis of the authority of government, the participating States will

(7.1) - hold free elections at reasonable intervals, as established by law;

(7.2) - permit all seats in at least one chamber of the national legislature to be freely contested in a popular vote;

(7.3) - guarantee universal and equal suffrage to adult citizens;

(7.4) - ensure that votes are cast by secret ballot or by equivalent free voting procedure, and that they are counted and reported honestly with the official results made public;

(7.5) - respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination;

(7.6) - respect the right of individuals and groups to establish, in full freedom, their own political parties or other political organizations and provide such political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities;

(7.7) - ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution;

(7.8) - provide that no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process;

(7.9) - ensure that candidates who obtain the necessary number of votes required by law are duly installed in office and are permitted to remain in office until their term expires or is otherwise brought to an end in a manner that is regulated by law in conformity with democratic parliamentary and constitutional procedures.

(8) The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other CSCE participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law. They will also endeavour to facilitate similar access for election proceedings held below the national level. Such observers will undertake not to interfere in the electoral proceedings.

Page 60; Annex 4: Constitution of Bosnia and Herzegovina; Article I: Bosnia and Herzegovina; 2. Democratic Principles

Bosnia and Herzegovina shall be a democratic state, which shall operate under the rule of law and with free and democratic elections.

Page 65; Annex 4: Constitution of Bosnia and Herzegovina; Article IV: Parliamentary Assembly; 2. House of Representatives

[...]

(a) Members of the House of Representatives shall be directly elected from their Entity in accordance with an election law to be adopted by the Parliamentary Assembly. The first election, however, shall take place in accordance with Annex 3 to the General Framework Agreement.

Page 67-68; Annex 4: Constitution of Bosnia and Herzegovina; Article V: Presidency; 1. Election and Term

(a) Members of the Presidency shall be directly elected in each Entity (with each voter voting to fill one seat on the Presidency) in accordance with an election law adopted by the Parliamentary Assembly. The first election, however, shall take place in accordance with Annex 3 to the General Framework Agreement. Any vacancy in the Presidency shall be filled from the relevant Entity in accordance with a law to be adopted by the Parliamentary Assembly.

Page 118; Annex 11: Agreement on International Police Task Force; Article III: IPTF Assistance Program

3. The Parties confirm their particular responsibility to ensure the existence of social conditions for free and fair elections, including the protection of international personnel in Bosnia and Herzegovina in connection with the elections provided for in Annex 3 to the General Framework Agreement. They request the IPTF to give priority to assisting the Parties in carrying out this responsibility.

Page 65; Annex 4: Constitution of Bosnia And Herzegovina; Article III: Responsibilities of and Relations Between The Institutions of Bosnia and Herzegovina And the Entities; 5. Additional Responsibilities.

(b) Within six months of the entry into force of this Constitution, the Entities shall begin negotiations with a view to including in the responsibilities of the institutions of Bosnia and Herzegovina other matters, including utilization of energy resources and cooperative economic projects.

Page 108; Annex 9: Agreement on Establishment of Bosnia and Herzegovina Public Corporations

Bearing in mind that reconstruction of the infrastructure and the functioning of transportation and other facilities are important for the economic resurgence of Bosnia and Herzegovina, and for the smooth functioning of its institutions and the organizations involved in implementation of the peace settlement, the Federation of Bosnia and Herzegovina and the Republika Srpska (the "Parties") have agreed as follows:

[...]

Page 108; Annex 9: Agreement on Establishment of Bosnia and Herzegovina Public Corporations; Article I: Commission on Public Corporations

1. The Parties hereby establish a Commission on Public Corporations (the "Commission") to examine establishing Bosnia and Herzegovina Public Corporations to operate joint public facilities, such as for the operation of utility, energy, postal and communication facilities, for the benefit of both Entities.

[...]

Page 108; Annex 9: Agreement on Establishment of Bosnia and Herzegovina Public Corporations; Article II: Establishment of a Transportation Corporation

1. The Parties, recognizing an immediate need to establish a Public Corporation to organize and operate transportation facilities, such as roads, railways and ports, for their mutual benefit, hereby establish a Bosnia and

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Socio-Economic
Development

Herzegovina Transportation Corporation (the "Transportation Corporation") for such purpose.

[...]

3. The Transportation Corporation is authorized to construct, acquire, hold, maintain and operate and dispose of real and personal property in accordance with specific plans that it develops. It is also authorized to fix and collect rates, fees, rentals and other charges for the use of facilities it operates; enter into all contracts and agreements necessary for the performance of its functions; and take other actions necessary to carry out these functions.

[...]

5. Within thirty days after this Agreement enters into force, the Parties shall agree on sums of money to be contributed to the Transportation Corporation for its initial operating budget. The Parties may at any time transfer to the Transportation Corporation additional funds or facilities that belong to them and the rights thereto. The Parties shall decide the means by which the Transportation Corporation will be authorized to raise additional capital.

Page 110; Annex 9: Agreement on Establishment of Bosnia and Herzegovina Public Corporations; Article III: Other Public Corporations

The Parties may decide, upon recommendation of the Commission, to use establishment of the Transportation Corporation as a model for the establishment of other joint public corporations, such as for the operation of utility, energy, postal and communication facilities.

Page 110; Annex 9: Agreement on Establishment of Bosnia and Herzegovina Public Corporations; Article IV: Cooperation

[...]

Page 110; Annex 9: Agreement on Establishment of Bosnia and Herzegovina Public Corporations; Article V: Ethics

[...]

Page 111; Annex 10: Agreement on Civilian Implementation of the Peace Settlement; Article I: High Representative

1. The Parties agree that the implementation of the civilian aspects of the peace settlement will entail a wide range of activities including continuation of the humanitarian aid effort for as long as necessary; rehabilitation of infrastructure and economic reconstruction; [...]

Page 141; Letter from Alija Izetbegovic to Christopher Warren

Economic Development

My government will take the steps necessary to establish a bilateral Commission on Economic Integration and Infrastructure Development for bilateral cooperation on nationally- and internationally-funded projects affecting both countries. In particular, the Commission will promote co-financing, joint ventures, and appropriate multilateral arrangements to develop the transportation, energy, and communications sectors in both countries.

Chamber Of Commerce

My government will actively seek the establishment of a joint Chamber of Commerce to promote trade and economic development in both countries by coordinating, where appropriate, the activities of the respective Chambers of Commerce in each country and by promoting ties with Chambers of Commerce in other countries.

Page 144; Letter from Slobodan Milosevic to Christopher Warren

Economic Development

My government will take the steps necessary to establish a bilateral Commission on Economic Integration and Infrastructure Development for bilateral cooperation on nationally- and internationally-funded projects affecting both countries. In particular, the Commission will promote co-financing, joint ventures, and appropriate multilateral arrangements to develop the transportation, energy, and communications sectors in both countries.

Chamber Of Commerce

My government will actively seek the establishment of a joint Chamber of Commerce to promote trade and economic development in both countries by coordinating, where appropriate, the activities of the respective Chambers of Commerce in each country and by promoting ties with Chambers of Commerce in other countries.

Page 75; Annex 4: Constitution of Bosnia and Herzegovina; Annex I: Additional Human Rights Agreements to be Applied in Bosnia and Herzegovina

14. 1992 European Charter for Regional or Minority Languages

Page 93; Annex 6: Agreement on Human Rights; Appendix: Human Rights Agreements

15. 1992 European Charter for Regional or Minority Languages

Page 103-06; Annex 8: Agreement on Commission to Preserve National Monuments

The Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republika Srpska (the "Parties") have agreed as follows:

Article I: Establishment of the Commission

The Parties hereby establish an independent Commission to Preserve National Monuments (the "Commission"). The Commission shall have its headquarters in Sarajevo and may have offices at other locations as it deems appropriate.

Article II: Composition

1. The Commission shall be composed of five members. Within 90 days after this Agreement enters into force, the Federation of Bosnia and Herzegovina shall appoint two members, and the Republika Srpska one member, each serving a term of three years. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall appoint the remaining members, each for a term of five years, and shall designate one such member as the Chairman. The members of the Commission may be reappointed. No person who is serving a sentence imposed by the International Tribunal for the Former Yugoslavia, and no person who is under indictment by the Tribunal and who has failed to comply with an order to appear before the Tribunal, may serve on the Commission.

2. Members appointed after the transfer described in Article IX below shall be appointed by the Presidency of Bosnia and Herzegovina.

Article III: Facilities, Staff and Expenses

1. The Commission shall have appropriate facilities and a professionally competent staff, generally representative of the ethnic groups comprising Bosnia and Herzegovina, to assist it in carrying out its functions. The staff shall be headed by an executive officer, who shall be appointed by the Commission.

2. The salaries and expenses of the Commission and its staff shall be determined jointly by the Entities and shall be borne equally by them.

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Cultural Heritage/
Protections

3. Members of the Commission shall not be held criminally or civilly liable for any acts carried out within the scope of their duties. Members of the Commission, and their families, who are not citizens of Bosnia and Herzegovina shall be accorded the same privileges and immunities as are enjoyed by diplomatic agents and their families under the Vienna Convention on Diplomatic Relations.

Article IV: Mandate

The Commission shall receive and decide on petitions for the designation of property having cultural, historic, religious or ethnic importance as National Monuments.

Article V: Proceedings before the Commission

1. Any Party, or any concerned person in Bosnia and Herzegovina, may submit to the Commission a petition for the designation of property as a National Monument. Each such petition shall set forth all relevant information concerning the property, including:

- a. the specific location of the property;
- b. its current owner and condition;
- c. the cost and source of funds for any necessary repairs to the property;
- d. any known proposed use; and
- e. the basis for designation as a National Monument.

2. In deciding upon the petition, the Commission shall afford an opportunity for the owners of the proposed National Monument, as well as other interested persons or entities, to present their views.

3. For a period of one year after such a petition has been submitted to the Commission, or until a decision is rendered in accordance with this Annex, whichever occurs first, all Parties shall refrain from taking any deliberate measures that might damage the property.

4. The Commission shall issue, in each case, a written decision containing any findings of fact it deems appropriate and a detailed explanation of the basis for its decision. The Commission shall make decisions by a majority of its members. Decisions of the Commission shall be final and enforceable in accordance with domestic law.

5. In any case in which the Commission issues a decision designating property as a National Monument, the Entity in whose territory the property is situated (a) shall make every effort to take appropriate legal, scientific, technical, administrative and financial measures necessary for the protection, conservation, presentation and rehabilitation of the property, and (b) shall refrain from taking any deliberate measures that might damage the property.

Article VI: Eligibility

The following shall be eligible for designation as National Monuments: movable or immovable property of great importance to a group of people with common cultural, historic, religious or ethnic heritage, such as monuments of architecture, art or history; archaeological sites; groups of buildings; as well as cemeteries.

Article VII: Rules and Regulations

The Commission shall promulgate such rules and regulations, consistent with this Agreement, as may be necessary to carry out its functions.

Article VIII: Cooperation

Officials and organs of the Parties and their Cantons and Municipalities, and any individual acting under the authority of such official or organ, shall fully cooperate with the Commission, including by providing requested information and other assistance.

Article IX: Transfer

Five years after this Agreement enters into force, the responsibility for the continued operation of the Commission shall transfer from the Parties to the

Government of Bosnia and Herzegovina, unless the Parties otherwise agree. In the latter case, the Commission shall continue to operate as provided above.

Article X: Notice

The Parties shall give effective notice of the terms of this Agreement throughout Bosnia and Herzegovina.

Page 3; Article V

The Parties welcome and endorse the arrangements that have been made concerning the Constitution of Bosnia and Herzegovina, as set forth in Annex 4. The Parties shall fully respect and promote fulfillment of the commitments made therein.

Page 28-29; Appendix B to Annex 1-A; Agreement Between the Republic of Bosnia and Herzegovina and the North Atlantic Treaty Organisation (NATO) Concerning the Status of NATO and its Personnel

5. NATO military personnel shall normally wear uniforms, and NATO personnel may possess and carry arms if authorized to do so by their orders. The authorities of the Republic of Bosnia and Herzegovina shall accept as valid, without tax or fee, drivers' licenses and permits issued to NATO personnel by their respective national authorities.

10. NATO personnel shall be exempt from taxation by the Republic of Bosnia and Herzegovina on the salaries and emoluments received from NATO and on any income received from outside the Republic of Bosnia and Herzegovina.

11. NATO personnel and their tangible movable property imported into or acquired in the Republic of Bosnia and Herzegovina shall also be exempt from all identifiable taxes by the Republic of Bosnia and Herzegovina, except municipal rates for services enjoyed, and from all registration fees and related charges. [...]

16. NATO shall be allowed to contract direct with suppliers for services and supplies in the Republic of Bosnia and Herzegovina without payment of tax or duties. Such services and supplies shall not be subject to sales and other taxes [...] However, local personnel hired by NATO shall: [...]
(c) be exempt from taxation on the salaries and emoluments paid to them by NATO.

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Financial
Arrangements

Page 35-37; Appendix B to Annex 1-A; Agreement Between the Republic of Croatia and the North Atlantic Treaty Organisation (NATO) Concerning the Status of NATO and its Personnel

5. NATO military personnel shall normally wear uniforms, and NATO personnel may possess and carry arms if authorized to do so by their orders. Croatian authorities shall accept as valid, without tax or fee, drivers' licenses and permits issued to NATO personnel by their respective national authorities.

10. NATO personnel shall be exempt from taxation by the Republic of Croatia on the salaries and emoluments received from NATO and on any income received from outside the Republic of Croatia.

11. NATO personnel and their tangible movable property imported into or acquired in Croatia shall also be exempt from all identifiable taxes by the Republic of Croatia, except municipal rates for services enjoyed, and from all registration fees and related charges.

16. NATO shall be allowed to contract direct with suppliers for services and supplies in the Republic of Croatia without payment of tax or duties. Such services and supplies shall not be subject to sales or other taxes. NATO may hire local personnel who shall remain subject to local laws and regulations. However, local personnel hired by NATO shall: [...]
(c) be exempt from taxation on the salaries and emoluments paid to them by NATO.

Page 40; Appendix B to Annex 1-A; Agreement Between the Federal Republic of Yugoslavia and the North Atlantic Treaty (NATO) Concerning Transit Arrangements for Peace Plan Operations,

8. [...] The Federal Republic of Yugoslavia authorities shall accept as valid, without tax or fee, drivers' licenses and permits issued to NATO personnel by their respective national authorities.

12. NATO personnel and their tangible movable property in transit through the Federal Republic of Yugoslavia shall also be exempt from all identifiable taxes by the Government of the Federal Republic of Yugoslavia.

Page 63; Annex 4: Constitution of Bosnia and Herzegovina; Article III: Responsibilities of and Relations Between The Institutions of Bosnia and Herzegovina And the Entities

1. Responsibilities of the Institutions of Bosnia and Herzegovina. The following matters are the responsibility of the institutions of Bosnia and Herzegovina:
(d) Monetary policy as provided in Article VII.
(e) Finances of the institutions and for the international obligations of Bosnia and Herzegovina.

Page 72; Annex 4: Constitution of Bosnia and Herzegovina; Article VII: Central Bank

There shall be a Central Bank of Bosnia and Herzegovina, which shall be the sole authority for issuing currency and for monetary policy throughout Bosnia and Herzegovina.

1. The Central Bank's responsibilities will be determined by the Parliamentary Assembly. For the first six years after the entry into force of this Constitution, however, it may not extend credit by creating money, operating in this respect as a currency board; thereafter, the Parliamentary Assembly may give it that authority.

2. The first Governing Board of the Central Bank shall consist of a Governor appointed by the International Monetary Fund, after consultation with the Presidency, and three members appointed by the Presidency, two from the Federation (one Bosniac, one Croat, who shall share one vote) and one from the Republika Srpska, all of whom shall serve a six-year term. The Governor, who shall not be a citizen of Bosnia and Herzegovina or any neighboring state, may cast tie-breaking votes on the Governing Board.

3. Thereafter, the Governing Board of the Central Bank of Bosnia and Herzegovina shall consist of five persons appointed by the Presidency for a term of six years. The Board shall appoint, from among its members, a Governor for a term of six years.

Page 72-73; Annex 4: Constitution of Bosnia and Herzegovina; Article VIII: Finances

1. The Parliamentary Assembly shall each year, on the proposal of the Presidency, adopt a budget covering the expenditures required to carry out the responsibilities of the institutions of Bosnia and Herzegovina and the international obligations of Bosnia and Herzegovina.

2. If no such budget is adopted in due time, the budget for the previous year shall be used on a provisional basis.

3. The Federation shall provide two-thirds, and the Republika Srpska one-third, of the revenues required by the budget, except insofar as revenues are raised as specified by the Parliamentary Assembly.

Page 21-22; Annex 1-A: Agreement On The Military Aspects of The Peace Settlement; Article VIII: Establishment of a Joint Military Commission

1. A Joint Military Commission (the "Commission") shall be established with the deployment of the IFOR to Bosnia and Herzegovina.

2. The Commission shall:

- a. Serve as the central body for all Parties to this Annex to bring any military complaints, questions, or problems that require resolution by the IFOR Commander, such as allegations of cease-fire violations or other noncompliance with this Annex.
- b. Receive reports and agree on specific actions to ensure compliance with the provisions of this Annex by the Parties.
- c. Assist the IFOR Commander in determining and implementing a series of local transparency measures between the Parties.

3. The Commission shall be chaired by the IFOR Commander or his or her representative and consist of the following members:

- a. the senior military commander of the forces of each Party within Bosnia and Herzegovina;
- b. other persons as the Chairman may determine;
- c. each Party to this Annex may also select two civilians who shall advise the Commission in carrying out its duties;
- d. the High Representative referred to in the General Framework Agreement or his or her nominated representative shall attend Commission meetings, and offer advice particularly on matters of a political-military nature.

4. The Commission shall not include any persons who are now or who come under indictment by the International Tribunal for the Former Yugoslavia.

5. The Commission shall function as a consultative body for the IFOR Commander. To the extent possible, problems shall be solved promptly by mutual agreement. However, all final decisions concerning its military matters shall be made by the IFOR Commander.

6. The Commission shall meet at the call of the IFOR Commander. The High Representative may when necessary request a meeting of the Commission. The Parties may also request a meeting of the Commission.

7. The IFOR Commander shall have the right to decide on military matters, in a timely fashion, when there are overriding considerations relating to the safety of the IFOR or the Parties' compliance with the provisions of this Annex.

8. The Commission shall establish subordinate military commissions for the purpose of providing assistance in carrying out the functions described above. Such commissions shall be at the brigade and battalion level or at other echelons as the local IFOR Commander shall direct and be composed of commanders from each of the Parties and the IFOR. The representative of the High Representative shall attend and offer advice particularly on matters of a political-military nature. The local IFOR Commander shall invite local civilian authorities when appropriate.

9. Appropriate liaison arrangements will be established between the IFOR Commander and the High Representative to facilitate the discharge of their respective responsibilities.

Page 49; Annex 2: Agreement On Inter-Entity Boundary Line And Related Issues; Article V. Arbitration for the Brcko Area

1. The Parties agree to binding arbitration of the disputed portion of the Inter-Entity Boundary Line in the Brcko area indicated on the map attached at the Appendix.

2. No later than six months after the entry into force of this Agreement, the Federation shall appoint one arbitrator, and the Republika Srpska shall appoint one arbitrator. A third arbitrator shall be selected by agreement of the Parties' appointees within thirty days thereafter. If they do not agree, the third arbitrator

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Dispute Settlement
Mechanisms

shall be appointed by the President of the International Court of Justice. The third arbitrator shall serve as presiding officer of the arbitral tribunal.

3. Unless otherwise agreed by the Parties, the proceedings shall be conducted in accordance with the UNCITRAL rules. The arbitrators shall apply relevant legal and equitable principles.

4. Unless otherwise agreed, the area indicated in paragraph 1 above shall continue to be administered as currently.

5. The arbitrators shall issue their decision no later than one year from the entry into force of this Agreement. The decision shall be final and binding, and the Parties shall implement it without delay.

Page 81; Annex 5: Agreement On Arbitration

The Federation of Bosnia and Herzegovina and the Republika Srpska agree to honor the following obligations as set forth in the Agreed Basic Principles adopted at Geneva on September 8, 1995, by the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia, the latter representing also the Republika Srpska:

Paragraph 2.4. "The two entities will enter into reciprocal commitments... (c) to engage in binding arbitration to resolve disputes between them."

Paragraph 3. "The entities have agreed in principle to the following:... 3.5 The design and implementation of a system of arbitration for the solution of disputes between the two entities."

Page 111; Annex 10: Agreement on Civilian Implementation; Article I: High Representative

1. The Parties agree that the implementation of the civilian aspects of the peace settlement will entail a wide range of activities including continuation of the humanitarian aid effort for as long as necessary; rehabilitation of infrastructure and economic reconstruction; the establishment of political and constitutional institutions in Bosnia and Herzegovina; promotion of respect for human rights and the return of displaced persons and refugees; and the holding of free and fair elections according to the timetable in Annex 3 to the General Framework Agreement. A considerable number of international organizations and agencies will be called upon to assist.

2. In view of the complexities facing them, the Parties request the designation of a High Representative, to be appointed consistent with relevant United Nations Security Council resolutions, to facilitate the Parties' own efforts and to mobilize and, as appropriate, coordinate the activities of the organizations and agencies involved in the civilian aspects of the peace settlement by carrying out, as entrusted by a U.N. Security Council resolution, the tasks set out below.

Page 17-18; Annex 1-A: Agreement On The Military Aspects of The Peace Settlement; Article VI: Deployment of the Implementation Force

2. The Parties understand and agree that the IFOR shall have the right:
(a) to monitor and help ensure compliance by all Parties with this Annex (including, in particular, withdrawal and redeployment of Forces within agreed periods, and the establishment of Zones of Separation);
(b) to authorize and supervise the selective marking of the Agreed Cease-Fire Line and its Zone of Separation and the Inter-Entity Boundary Line and its Zone of Separation as established by the General Framework Agreement;

3. The Parties understand and agree that the IFOR shall have the right to fulfill its supporting tasks, within the limits of its assigned principal tasks and available resources, anc. on request, which include the following:
(e) to monitor the clearing of minefields and obstacles.

6. The Parties understand and agree that in carrying out its responsibilities, the IFOR shall have the unimpeded observe, monitor, and inspect any Forces,

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Verification &
Monitoring
Mechanism

facility right to activity in Bosnia and Herzegovina that the IFOR believes may have military capability. The refusal, interference, or denial by any Party of this right to observe, monitor, and inspect by the IFOR shall constitute a breach of this Annex and the violating Party shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance with this Annex.

Page 22; Annex 1-A: Agreement On The Military Aspects of The Peace Settlement; Article IX: Prisoner Exchanges

1. [...]

(b) The Parties shall cooperate fully with the ICRC and facilitate its work in implementing and monitoring the plan for release and transfer of prisoners.

Page 43; Annex 1-B: Agreement On Regional Stabilization; Article II: Confidence- and Security-Building Measures in Bosnia and Herzegovina

The objective of these negotiations is to agree upon an initial set of measures within forty-five (45) days after this Annex enters into force including, but not necessarily limited to, the following:

(g) identification of and monitoring of weapons manufacturing capabilities;

Page 45; Annex 1-B: Agreement On Regional Stabilization; Article IV: Measures for Sub-Regional Arms Control

4. The OSCE will assist the Parties in their negotiations under Articles II and IV of this Annex and in the implementation and verification (including verification of holdings declarations) of resulting agreements.

Page 91; Annex 6: Agreement On Human Rights; Chapter Three: General Provisions; Article XIII: Organizations Concerned with Human Rights

2. The Parties join in inviting the United Nations Commission on Human Rights, the OSCE, the United Nations High Commissioner for Human Rights, and other intergovernmental or regional human rights missions or organizations to monitor closely the human rights situation in Bosnia and Herzegovina, including through the establishment of local offices and the assignment of observers, rapporteurs, or other relevant persons on a permanent or mission-by-mission basis and to provide them with full and effective facilitation, assistance and access.

3. The Parties shall allow full and effective access to non-governmental organizations for purposes of investigating and monitoring human rights conditions in Bosnia and Herzegovina and shall refrain from hindering or impeding them in the exercise of these functions.

4. All competent authorities in Bosnia and Herzegovina shall cooperate with and provide unrestricted access to the organizations established in this Agreement; any international human rights monitoring mechanisms established for Bosnia and Herzegovina; the supervisory bodies established by any of the international agreements listed in the Appendix to this Annex; the International Tribunal for the Former Yugoslavia; and any other organization authorized by the U.N. Security Council with a mandate concerning human rights or humanitarian law.

Page 112; Annex 10: Agreement on Civilian Implementation; Article II: Mandate and Methods of Coordination and Liaison

1. The High Representative shall:

a. Monitor the implementation of the peace settlement;

Page 7-8; Annex 1-A: Agreement on the Military Aspects of the Peace Settlement; Article I: General Obligations

1. [...] They welcome the willingness of the international community to send to the region, for a period of approximately one year, a force to assist in implementation of the territorial and other militarily related provisions of the agreement as described herein.

(a) The United Nations Security Council is invited to adopt a resolution by which it will authorize Member States or regional organizations and arrangements to establish a multi national military Implementation Force (hereinafter "IFOR"). The Parties understand and agree that this Implementation Force maybe composed of ground, air and maritime units from NATO and non-NATO nations, deployed to Bosnia and Herzegovina to help ensure compliance with the provisions of this Agreement (hereinafter "Annex"). The Parties understand and agree that the IFOR will begin the implementation of the military aspects of this Annex upon the transfer of authority from the UNPROFOR Commander to the IFOR Commander (hereinafter "Transfer of Authority"), and that until the Transfer of Authority, UNPROFOR will continue to exercise its mandate.

(b) It is understood and agreed that NATO may establish such a force, which will operate under the authority and subject to the direction and political control of the North Atlantic ("NAC") through the NATO chain of command. They undertake to facilitate its operations. The Parties, therefore, hereby agree and freely undertake to fully comply with all obligations set forth in this Annex.

(c) It is understood and agreed that other States may assist in implementing the military aspects of this Annex. The Parties understand and agree that the modalities of those States' participation will be the subject of agreement between such participating States and NATO.

2. [...]

(b) to provide for the support and authorization of the IFOR and in particular to authorize the IFOR to take such actions as required, including the use of necessary force, to ensure compliance with this Annex, and to ensure its own protection;

3. The Parties understand and agree that within Bosnia and Herzegovina the obligations undertaken in this Annex shall be applied equally within both Entities. Both Entities shall be held equally responsible for compliance herewith, and both: shall be equally subject to such enforcement action by the IFOR as may be necessary to ensure implementation of this Annex and the protection of the IFOR.

Page 9; Annex 1-A: Agreement on the Military Aspects of the Peace Settlement; Article II: Cessation of Hostilities

4. The Parties shall cooperate fully with any international personnel including investigators, advisors, monitors, observers, or other personnel in Bosnia and Herzegovina pursuant to the General Framework Agreement, including facilitating free and unimpeded access and movement and by providing such status as is necessary for the effective conduct of their tasks.

Page 10; Annex 1-A: Agreement on the Military Aspects of the Peace Agreement; Article III: Withdrawal of Foreign Forces

1. All Forces in Bosnia and Herzegovina as of the date this Annex enters into force which are not of local origin, whether or not they are legally and militarily subordinated to the Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, or Republika Srpska, shall be withdrawn together with their equipment from the territory of Bosnia and Herzegovina within thirty (30) days. Furthermore, all Forces that remain on the territory of Bosnia and Herzegovina must act consistently with the territorial integrity, sovereignty, and political independence of Bosnia and Herzegovina. In accordance with Article I, paragraph 1, this paragraph does not apply to UNPROFOR, the International Police Task Force referred to in the General Framework Agreement, the IFOR or other elements referred to in Article I, paragraph 1(c).

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Peacekeeping

2. In particular, all foreign Forces, including individual advisors, freedom fighters, trainers, volunteers, and personnel from neighboring and other States, shall be withdrawn from the territory of Bosnia and Herzegovina in accordance with Article III, paragraph 1.

Page 10-15; Annex 1-A: Agreement on the Military Aspects of the Peace Settlement; Article IV: Redeployment of Forces

1. The Republic of Bosnia and Herzegovina and the Entities shall redeploy their Forces in three phases:

2. Phase I

a. The Parties immediately after this Annex enters into force shall begin promptly and proceed steadily to withdraw all Forces behind a Zone of Separation which shall be established on either side of the Agreed Cease-Fire Line that represents a clear and distinct demarcation between any and all opposing Forces. This withdrawal shall be completed within thirty (30) days after the Transfer of Authority. The precise Agreed Cease-Fire Line and Agreed Cease-Fire Zone of Separation are indicated on the maps at Appendix A of this Annex.

(b) The Agreed Cease-Fire Zone of Separation shall extend for a distance of approximately two (2) kilometers on either side of the Agreed Cease-Fire Line. No weapons other than those of the IFOR are permitted in this Agreed Cease-Fire Zones of Separation except as provided herein. No individual may retain or possess any military weapons or explosives within this four kilometer Zone without specific approval of the IFOR. Violators of this provision shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance.

(c) In addition to the other provisions of this Annex, the following specific provisions shall also apply to Sarajevo and Gorazde:

Sarajevo

(1) Within seven (7) days after the Transfer of Authority, the Parties shall transfer and vacate selected positions along the Agreed Cease-Fire Line according to instructions to be issued by the IFOR Commander.

(2) [...], this Zone of Separation may be adjusted by the IFOR Commander either to narrow the Zone of Separation to take account of the urban area of Sarajevo or to widen the Zone of Separation up to two (2) kilometers on either side of the Agreed Cease-Fire Line to take account of more open terrain.

(3) Within the Agreed Cease-Fire Zone of Separation, no individual may retain or possess any weapons or explosives, other than a member of the IFOR or the local police exercising official duties as authorized by the IFOR in accordance with Article IV, paragraph 2(b).

(4) The Parties understand and agree that violators of subparagraphs (1), (2) and (3) above shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance.

Gorazde

[...]

There shall be complete freedom of movement along these routes for civilian traffic. The Parties shall only utilize these interim routes for military forces and equipment as authorized by and under the control and direction of the IFOR. In this regard, and in order to reduce the risk to civilian traffic, the IFOR shall have the right to manage movement of military and civilian traffic from both Entities along these routes.

(2) The Parties understand and agree that violators of subparagraph (1) shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance.

[...]

d) The Parties immediately after this Annex enters: into force shall begin promptly and proceed steadily to complete the following activities within thirty (30) days after the Transfer of Authority or as determined by the IFOR Commander: (1) remove, dismantle or destroy all mines, unexploded ordnance, explosive devices, demolitions, and barbed or razor wire from the Agreed Cease-Fire Zone of Separation or other areas from which their Forces are withdrawn; (2) mark all known mine emplacements, unexploded ordnance, explosive devices and demolitions within Bosnia and Herzegovina; and (3) remove, dismantle or destroy all mines, unexploded ordnance, explosive devices and demolitions as required by the IFOR Commander.

(e) The IFOR is authorized to direct that any military personnel, active or reserve, who reside within the Agreed Cease-Fire Zone of Separation register with the appropriate IFOR Command Post referred to in Article VI which is closest to their residence.

3. Phase II (As Required In Specific Locations)

This phase applies to those locations where the Inter-Entity Boundary Line does not follow the Agreed Cease-Fire Lines.

(a) In those locations in which, pursuant to the General Framework Agreement, areas occupied by one Entity are to be transferred to another Entity, all Forces of the withdrawing Entity shall have forty-five (45) days after the Transfer of Authority to completely vacate and clear this area. This shall include the removal of all Forces as well as the removal, dismantling or destruction of equipment, mines, obstacles, unexploded ordnance, explosive devices, demolitions, and weapons. In those areas being transferred to a different Entity, in order to provide an orderly period of transition, the Entity to which an area is transferred shall not put Forces in this area for ninety (90) days after the Transfer of Authority or as determined by the IFOR Commander. The Parties understand and agree that the IFOR shall have the right to provide the military security for these transferred areas from thirty (30) days after the Transfer of Authority until ninety-one (91) days after the Transfer of Authority, or as soon as possible as determined by the IFOR Commander, when these areas may be occupied by the Forces of the Entity to which they are transferred. Upon occupation by the Entity to which the area is transferred, a new Zone of Separation along the Inter-Entity Boundary Line as indicated on the map at Appendix A shall be established by the IFOR, and the Parties shall observe the same limitations on the presence of Forces and weapons in this Zone as apply to the Agreed Cease-Fire Zone of Separation.

(b) The IFOR is authorized to direct that any military-personnel, active or reserve, who reside within the Inter-Entity Zone of Separation register with the appropriate IFOR Command Post referred to in Article VI which is closest to their residence.

4. General.

The following provisions apply to Phases I and II:

(a) In order to provide visible indication, the IFOR shall supervise the selective marking of the Agreed Cease-Fire Line and its Zone of Separation, and the Inter-Entity Boundary Line and its Zone of Separation. Final authority for placement of such markers shall rest with the IFOR. All Parties understand and agree that the Agreed Cease-Fire Line and its Zone of Separation and the Inter-Entity Boundary Line and its Zone of Separation are defined by the maps and documents agreed to as part of the General Framework Agreement and not the physical location of markers.

(b) All Parties understand and agree that they shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance, for:

(1) failure to remove all their Forces and unauthorized weapons from the four (4) kilometer Agreed Cease-Fire Zone of Separation within thirty (30) days after the Transfer of Authority, as provided in Article IV, paragraph 2(a) and (b) above;

(2) failure to vacate and clear areas being transferred to another Entity within forty-five (45) days after the Transfer of Authority, as provided in Article IV, paragraph 3(a) above;

(3) deploying Forces within areas transferred from another Entity earlier than ninety (90) days after the Transfer of Authority or as determined by the IFOR Commander, as provided in Article IV, paragraph 3(a) above;

(4) failure to keep all Forces and unauthorized weapons outside the Inter-Entity Zone of Separation after this Zone is declared in effect by the IFOR, as provided in Article IV, paragraph 3(a) above; or

(5) violation of the cessation of hostilities as agreed to by the Parties in Article II.

5. Phase III

The Parties pledge as confidence building measures that they shall:

a. within 120 days after the Transfer of Authority withdraw all heavy weapons and Forces to cantonment/barracks areas or other locations as designated by the IFOR Commander. "Heavy weapons" refers to all tanks and armored vehicles, all artillery 75 mm and above, all mortars 81 mm and above, and all anti-aircraft weapons 20 mm and above. This movement of these Forces to cantonment/barracks areas is intended to enhance mutual confidence by the Parties in the success of this Annex and help the overall cause of peace in Bosnia and Herzegovina.

[...]

6. Notwithstanding any other provision of this Annex, the Parties understand and agree that the IFOR has the right and is authorized to compel the removal, withdrawal, or relocation of specific Forces and weapons from, and to order the cessation of any activities in, any location in Bosnia and Herzegovina whenever the IFOR determines such Forces, weapons or activities to constitute a threat or potential threat to either the IFOR or its mission, or to another Party. Forces failing to redeploy, withdraw, relocate, or to cease threatening or potentially threatening activities following such a demand by the IFOR shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance, consistent with the terms set forth in Article I, paragraph 3.

Page 15-17; Annex 1-A: Agreement on the Military Aspects of the Peace Settlement; Article V: Notifications

[...]

Page 17-20; Annex 1-A: Agreement on the Military Aspects of the Peace Settlement; Article VI: Deployment of the Implementation Force

1. Recognizing the need to provide for the effective implementation of the provisions of this Annex, and to ensure compliance, the United Nations Security Council is invited to authorize Member States or regional organizations and arrangements to establish the IFOR acting under Chapter VII of the United Nations Charter. The Parties understand and agree that this Implementation Force may be composed of ground, air and maritime units from NATO and non-NATO nations, deployed to Bosnia and Herzegovina to help ensure compliance with the provisions of this Annex. The Parties understand and agree that the IFOR shall have the right to deploy on either side of the Inter-Entity Boundary Line and throughout Bosnia and Herzegovina.

2. The Parties understand and agree that the IFOR shall have the right:

a. to monitor and help ensure compliance by all Parties with this Annex (including, in particular, withdrawal and redeployment of Forces within agreed periods, and the establishment of Zones of Separation);

b. to authorize and supervise the selective marking of the Agreed Cease-Fire Line and its Zone of Separation and the Inter-Entity Boundary Line and its Zone of Separation as established by the General Framework Agreement;

c. to establish liaison arrangements with local civilian and military authorities and other international organizations as necessary for the accomplishment of its mission; and

d. to assist in the withdrawal of UN Peace Forces not transferred to the IFOR, including, if necessary, the emergency withdrawal of UNCRO Forces.

3. The Parties understand and agree that the IFOR shall have the right to fulfill its supporting tasks, within the limits of its assigned principal tasks and available resources, and on request, which include the following:

a. to help create secure conditions for the conduct by others of other tasks associated with the peace settlement, including free and fair elections;

b. to assist the movement of organizations in the accomplishment of humanitarian missions;

c. to assist the UNHCR and other international organizations in their humanitarian missions;

d. to observe and prevent interference with the movement of civilian populations, refugees, and displaced persons, and to respond appropriately to deliberate violence to life and person; and,

e. to monitor the clearing of minefields and obstacles.

4. The Parties understand and agree that further directives from the NAC may establish additional duties and responsibilities for the IFOR in implementing this Annex.

5. The Parties understand and agree that the IFOR Commander shall have the authority, without interference or permission of any Party, to do all that the Commander judges necessary and proper, including the use of military force, to protect the IFOR and to carry out the responsibilities listed above in paragraphs 2, 3 and 4, and they shall comply in all respects with the IFOR requirements.

6. The Parties understand and agree that in carrying out its responsibilities, the IFOR shall have the unimpeded right to observe, monitor, and inspect any Forces, facility or activity in Bosnia and Herzegovina that the IFOR believes may have military capability. The refusal, interference, or denial by any Party shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance with this Annex.

7. The Army of the Republic of Bosnia and Herzegovina, the Croat Defense Council Forces, and the Army of Republika Srpska shall establish Command Posts at IFOR brigade, battalion, or other levels which shall be co-located with specific IFOR command Vocations, as determined by the IFOR Commander. These Command Posts shall exercise command and control over all Forces of their respective sides which are located within ten (10) kilometers of the Agreed Cease-Fire Line or Inter-Entity Boundary Line, as specified by the IFOR. The Command Posts shall provide, at the request of the IFOR, timely status reports on organizations and troop levels in their areas.

8. In addition to co-located Command Posts, the Army of the Republic of Bosnia and Herzegovina, the Croat Defense Council Forces, and the Army of Republika Srpska shall maintain liaison teams to be co-located with the IFOR Command, as determined by the IFOR Commander, for the purpose of fostering communication, and preserving the overall cessation of hostilities.

9. Air and surface movements in Bosnia and Herzegovina shall be governed by the following provisions:

a. The IFOR shall have complete and unimpeded freedom of movement by ground, air, and water throughout Bosnia and Herzegovina. It shall have the right to bivouac, maneuver, billet, and utilize any areas or facilities to carry out its responsibilities as required for its support, training, and operations, with such advance notice as may be practicable. The IFOR and its personnel shall not be liable for any damages to civilian or government property caused by combat or combat related activities. Roadblocks, checkpoints or other impediments to IFOR freedom of movement shall constitute a breach of this

Annex and the violating Party shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance with this Annex.

b. The IFOR Commander shall have sole authority to establish rules and procedures governing command and control of airspace over Bosnia and Herzegovina to enable civilian air traffic and non-combat air activities by the military or civilian authorities in Bosnia and Herzegovina, or if necessary to terminate civilian air traffic and non-combat air activities.

(1) The Parties understand and agree there shall be no military air traffic, or non-military aircraft performing military missions, including reconnaissance or logistics, without the express permission of the IFOR Commander. The only military aircraft that may be authorized to fly in Bosnia and Herzegovina are those being flown in support of the IFOR, except with the express permission of the IFOR. Any flight activities by military fixed-wing or helicopter aircraft within Bosnia and Herzegovina without the express permission of the IFOR Commander are subject to military action by the IFOR, including the use of necessary force to ensure compliance.

(2) All air early warning, air defense, or fire control radars shall be shut down within 72 hours after this Annex enters into force, and shall remain inactive unless authorized by the IFOR Commander. Any use of air traffic, air early warning, air defense or fire control radars not authorized by the IFOR Commander shall constitute a breach of this Annex and the violating Party shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance.

(3) The Parties understand and agree that the IFOR Commander will implement the transfer to civilian control of air space over Bosnia and Herzegovina to the appropriate institutions of Bosnia and Herzegovina in a gradual fashion consistent with the objective of the IFOR to ensure smooth and safe operation of an air traffic system upon IFOR departure.

c. The IFOR Commander is authorized to promulgate appropriate rules for the control and regulation of surface military traffic throughout Bosnia and Herzegovina, including the movement of the Forces of the Parties. The Joint Military Commission referred to in Article VIII may assist in the development and promulgation of rules related to military movement.

10. The IFOR shall have the right to utilize such means and services as required to ensure its full ability to communicate and shall have the right to the unrestricted use of all of the electromagnetic spectrum for this purpose. In implementing this right, the IFOR shall make every reasonable effort to coordinate with and take into account the needs and requirements of the appropriate authorities.

11. All Parties shall accord the IFOR and its personnel the assistance, privileges, and immunities set forth at Appendix B of this Annex, including the unimpeded transit through, to, over and on the territory of all Parties.

12. All Parties shall accord any military elements as referred to in Article I, paragraph I(c) and their personnel the assistance, privileges and immunities referred to in Article VI, paragraph 11.

Page 20-21; Annex 1-A: Agreement on the Military Aspects of the Peace Settlement; Article VII: Withdrawal of UNPROFOR

It is noted that as a consequence of the forthcoming introduction of the IFOR into the Republic of Bosnia and Herzegovina, the conditions for the withdrawal of the UNPROFOR established by United Nations Security Council Resolution 743 have been met. It is requested that the United Nations, in consultation with NATO, take all necessary steps to withdraw the UNPROFOR from Bosnia and Herzegovina, except those parts incorporated into the IFOR.

Page 21-22; Annex 1-A: Agreement on the Military Aspects of the Peace Settlement; Article VIII: Establishment of a Joint Military Commission

1. A Joint Military Commission (the "Commission") shall be established with the deployment of the IFOR to Bosnia and Herzegovina.

2. The Commission shall:

(a) Serve as the central body for all Parties to this Annex to bring any military complaints, questions, or problems that require resolution by the IFOR Commander, such as allegations of cease-fire violations or other noncompliance with this Annex.

(b) Receive reports and agree on specific actions to ensure compliance with the provisions of this Annex by the Parties.

(c) Assist the IFOR Commander in determining and implementing a series of local transparency measures between the Parties.

3. The Commission shall be chaired by the IFOR Commander or his or her representative and consist of the following members:

[...]

5. The Commission shall function as a consultative body for the IFOR Commander. To the extent possible, problems shall be solved promptly by mutual agreement. However, all final decisions concerning its military matters shall be made by the IFOR Commander.

6. The Commission shall meet at the call of the IFOR Commander. The High Representative may when necessary request a meeting of the Commission. The Parties may also request a meeting of the Commission.

7. The IFOR Commander shall have the right to decide on military matters, in a timely fashion, when there are overriding considerations relating to the safety of the IFOR or the Parties' compliance with the provisions of this Annex.

8. The Commission shall establish subordinate military commissions for the purpose of providing assistance in carrying out the functions described above. Such commissions shall be at the brigade and battalion level or at other echelons as the local IFOR Commander shall direct and be composed of commanders from each of the Parties and the IFOR. The representative of the High Representative shall attend and offer advice particularly on matters of a political-military nature. The local IFOR Commander shall invite local civilian authorities when appropriate.

9. Appropriate liaison arrangements will be established between the IFOR Commander and the High Representative/e to facilitate the discharge of their respective responsibilities.

Page 43; Annex 1-B: Agreement on Regional Stabilization; Article II: Confidence- and Security-Building Measures in Bosnia and Herzegovina

[...] The objective of these negotiations is to agree upon an initial set of measures within forty-five (45) days after this Annex enters into force including, but not necessarily limited to, the following:

(d) withdrawal of Forces and heavy weapons to cantonment/ barracks areas or other designated locations as provided in Article IV of Annex 1-A;

Page 113; Annex 10: Agreement on Civilian Implementation of the Peace Settlement; Article II: Mandate and Methods of Coordination and Liaison

[...]

Page 116; Annex 11: Agreement on International Police Task Force; Article I: Civilian Law Enforcement

2. To assist them in meeting their obligations the Parties request that the United Nations establish by a decision of the Security Council, as a UNCIVPOL operation, a U.N. International Police Task Force (IPTF) to carry out, throughout Bosnia and Herzegovina, the program of assistance the elements of which are described in Article III below.

**Page 116-17; Annex 11: Agreement on International Police Task Force;
Article II: Establishment of the IPTF**

1. The IPTF shall be autonomous with regard to the execution of its functions under this Agreement. Its activities will be coordinated through the High Representative described in Annex 10 to the General Framework Agreement.

2. The IPTF will be headed by a Commissioner, who will be appointed by the Secretary General of the United Nations in consultation with the Security Council. It shall consist of persons of high moral standing who have experience in law enforcement. The IPTF Commissioner may request and accept personnel, resources, and assistance from states and international and nongovernmental organizations.

3. The IPTF Commissioner shall receive guidance from the High Representative.

4. The IPTF Commissioner shall periodically report on matters within his or her responsibility to the High Representative, the Secretary General of the United Nations, and shall provide information to the IFOR Commander and, as he or she deems appropriate, other institutions and agencies.

5. The IPTF shall at all times act in accordance with internationally recognized standards and with respect for internationally recognized human rights and fundamental freedoms, and shall respect, consistent with the IPTF's responsibilities, the laws and customs of the host country.

6. The Parties shall accord the IPTF Commissioner, IPTF personnel, and their families the privileges and immunities described in Sections 18 and 19 of the 1946 Convention on the Privileges and Immunities of the United Nations. In particular, they shall enjoy inviolability, shall not be subject to any form of arrest or detention, and shall have absolute immunity from criminal jurisdiction. IPTF personnel shall remain subject to penalties and sanctions under applicable laws and regulations of the United Nations and other states.

7. The IPTF and its premises, archives, and other property shall be accorded the same privileges and immunities, including inviolability, as are described in Articles II and III of the 1946 Convention on the Privileges and Immunities of the United Nations.

8. In order to promote the coordination by the High Representative of IPTF activities with those of other civilian organizations and agencies and of the (IFOR), the IPTF Commissioner or his or her representatives may attend meetings of the Joint Civilian Commission established in Annex 10 to the General Framework Agreement and of the Joint Military Commission established in Annex 1, as well as meetings of their subordinate commissions. The IPTF Commissioner may request that meetings of appropriate commissions be convened to discuss issues within his or her area of responsibility.

**Page 118; Annex 11: Agreement on International Police Task Force;
Article III: IPTF Assistance Program**

1. IPTF assistance includes the following elements, to be provided in a program designed and implemented by the IPTF Commissioner in accordance with the Security Council decision described in Article 1(2):

(a) monitoring, observing, and inspecting law enforcement activities and facilities, including associated judicial organizations, structures, and proceedings;

(b) advising law enforcement personnel and force»;

(c) training law enforcement personnel;

(d) facilitating, within the IPTF's mission of assistance, the Parties' law enforcement activities;

(e) assessing threats to public order and advising on the capability of law enforcement agencies to deal with such threats.

(f) advising governmental authorities in Bosnia and Herzegovina on the organization of effective civilian law enforcement agencies; and

(g) assisting by accompanying the Parties' law enforcement personnel as they carry out their responsibilities, as the IPTF deems appropriate.

2. In addition to the elements of the assistance program set forth in paragraph 1, the IPTF will consider, consistent with its responsibilities and resources, requests from the Parties or law enforcement agencies in Bosnia and Herzegovina for assistance described in paragraph 1.

3. The Parties confirm their particular responsibility to ensure the existence of social conditions for free and fair elections, including the protection of international personnel in Bosnia and Herzegovina in connection with the elections provided for in Annex 3 to the General Framework Agreement. They request the IPTF to give priority to assisting the Parties in carrying out this responsibility.

**Page 119; Annex 11: Agreement on International Police Task Force;
Article IV: Specific Responsibilities of the Parties**

1. The Parties shall cooperate fully with the IPTF and shall so instruct all their law enforcement agencies.

2. Within 30 days after this Agreement enters into force, the Parties shall provide the IPTF Commissioner or his or her designee with information on their law enforcement agencies, including their size, location, and force structure. Upon request of the IPTF Commissioner, they shall provide additional information, including any training, operational, or employment and service records of law enforcement agencies and personnel.

3. The Parties shall not impede the movement of IPTF personnel or in any way hinder, obstruct, or delay them in the performance of their responsibilities. They shall allow IPTF personnel immediate and complete access to any site, person, activity, proceeding, record, or other item or event in Bosnia and Herzegovina as requested by the IPTF in carrying out its responsibilities under this Agreement. This shall include the right to monitor, observe, and inspect any site or facility at which it believes that police, law enforcement, detention, or judicial activities are taking place.

4. Upon request by the IPTF, the Parties shall make available for training qualified personnel, who are expected to take up law enforcement duties immediately following such training.

5. The Parties shall facilitate the operations of the IPTF in Bosnia and Herzegovina, including by the provision of appropriate assistance as requested with regard to transportation, subsistence, accommodations, communications, and other facilities at rates equivalent to those provided for the IFOR under applicable agreements.

**Page 119-20; Annex 11: Agreement on International Police Task Force;
Article V: Failure to Cooperate**

1. Any obstruction of or interference with IPTF activities, failure or refusal to comply with an IPTF request, or other failure to meet the Parties' responsibilities or other obligations in this Agreement, shall constitute a failure to cooperate with the IPTF.

2. The IPTF Commissioner will notify the High Representative and inform the IFOR Commander of failures to cooperate with the IPTF. The IPTF Commissioner may request that the High Representative take appropriate steps upon receiving such notifications, including calling such failures to the attention of the Parties, convening the Joint Civilian Commission, and consulting with the United Nations, relevant states, and international organizations on further responses.

**Page 120; Annex 11: Agreement on International Police Task Force;
Article VI: Human Rights**

1. When IPTF personnel learn of credible information concerning violations of internationally recognized human rights or fundamental freedoms or of the role of law enforcement officials or forces in such violations, they shall provide such information to the Human Rights Commission established in Annex 6 to the

General Framework Agreement, the International Tribunal for the Former Yugoslavia, or to other appropriate organizations.

2. The Parties shall cooperate with investigations of law enforcement forces and officials by the organizations described in paragraph 1.

Page 8; Annex 1-A: Agreement On The Military Aspects of The Peace Settlement; Article I: General Obligations

1. [...]

(c) It is understood and agreed that other States may assist in implementing the military aspects of this Annex. The Parties understand and agree that the modalities of those States' participation will be the subject of agreement between such participating States and NATO.

Page 42-43; Annex 1-B: Agreement On Regional Stabilization; Article II: Confidence- and Security-Building Measures in Bosnia and Herzegovina

Within seven days after this Agreement (hereinafter "Annex") enters into force, the Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and the Republika Srpska shall at an appropriately high political level commence negotiations under the auspices of the Organization for Security and Cooperation in Europe (hereinafter "OSCE") to agree upon a series of measures to enhance mutual confidence and reduce the risk of conflict, drawing fully upon the 1994 Vienna Document of the Negotiations on Confidence- and Security-Building Measures of the OSCE. The objective of these negotiations is to agree upon an initial set of measures within forty-five (45) days after this Annex enters into force including, but not necessarily limited to, the following:

[...]

Page 44-45; Annex 1-B: Agreement On Regional Stabilization; Article IV: Measures for Sub-Regional Arms Control

1. [...] the Parties within thirty (30) days after this Annex enters into force shall commence negotiations under the auspices of the OSCE to reach early agreement on levels of armaments consistent with this goal. Within thirty (30) days after this Annex enters into force, the Parties shall also commence negotiations on an agreement establishing voluntary limits on military manpower.

4. The OSCE will assist the Parties in their negotiations under Articles II and IV of this Annex and in the implementation and verification (including verification of holdings declarations) of resulting agreements.

Page 45; Annex 1-B: Agreement On Regional Stabilization; Article V: Regional Arms Control Agreement

The OSCE will assist the Parties by designating a special representative to help organize and conduct negotiations under the auspices of the OSCE Forum on Security Cooperation ("FSC") with the goal of establishing a regional balance in and around the former Yugoslavia. The Parties undertake to cooperate fully with the OSCE to that end and to facilitate regular inspections by other parties. Further, the Parties agree to establish a commission together with representatives of the OSCE for the purpose of facilitating the resolution of any disputes that might arise.

Page 53; Annex 3: Agreement On Elections; Article I: Conditions for Democratic Elections

2. The Parties request the OSCE to certify whether elections can be effective under current social conditions in both Entities and, if necessary, to provide assistance to the Parties in creating these conditions.

ia_adv

International
Assistance &
Advice

Page 53-54; Annex 3: Agreement On Elections; Article II: The OSCE Role

1. OSCE. The Parties request the OSCE to adopt and put in place an elections program for Bosnia and Herzegovina as set forth in this Agreement.
2. Elections. The Parties request the OSCE to supervise, in a manner to be determined by the OSCE and in cooperation with other international organizations the OSCE deems necessary, the preparation and conduct of elections for the House of Representatives of Bosnia and Herzegovina; for the Presidency of Bosnia and Herzegovina; for the House of Representatives of the Federation of Bosnia and Herzegovina; for the National Assembly of the Republika Srpska; for the Presidency of the Republika Srpska; and, if feasible, for cantonal legislatures and municipal governing authorities.
3. The Commission. To this end, the Parties request the OSCE to establish a Provisional Election Commission ("the Commission").
4. Timing. Elections shall take place on a date ("Election Day") six months after entry into force of this Agreement or, if the OSCE determines a delay necessary, no later than nine months after entry into force.

Page 70; Annex 4: Constitution of Bosnia and Herzegovina; Article VI: Constitutional Court; 1. Composition

- The Constitutional Court of Bosnia and Herzegovina shall have nine members.
- (a) Four members shall be selected by the House of Representatives of the Federation, and two members by the Assembly of the Republika Srpska. The remaining three members shall be selected by the President of the European Court of Human Rights after consultation with the Presidency.
 - (b) [...] The judges selected by the President of the European Court of Human Rights shall not be citizens of Bosnia and Herzegovina or of any neighboring state.
 - (d) For appointments made more than five years after the initial appointment of judges, the Parliamentary Assembly may provide by law for a different method of selection of the three judges selected by the President of the European Court of Human Rights.

Page 72; Annex 4: Constitution of Bosnia and Herzegovina; Article VII: Central Bank

2. The first Governing Board of the Central Bank shall consist of a Governor appointed by the International Monetary Fund, after consultation with the Presidency, and three members appointed by the Presidency, two from the Federation (one Bosniac, one Croat, who shall share one vote) and one from the Republika Srpska, all of whom shall serve a six-year term. The Governor, who shall not be a citizen of Bosnia and Herzegovina or any neighboring state, may cast tie-breaking votes on the Governing Board.

Page 91; Annex 6: Agreement on Human Rights; Chapter Three: General Provisions; Article XIII: Organisations concerned with Human Rights

1. The Parties shall promote and encourage the activities of non-governmental and international organizations for the protection and promotion of human rights.
2. The Parties join in inviting the United Nations Commission on Human Rights, the OSCE, the United Nations High Commissioner for Human Rights, and other intergovernmental or regional human rights missions or organizations to monitor closely the human rights situation in Bosnia and Herzegovina, including through the establishment of local offices and the assignment of observers, rapporteurs, or other relevant persons on a permanent or mission-by-mission basis and to provide them with full and effective facilitation, assistance and access.

3. The Parties shall allow full and effective access to non-governmental organizations for purposes of investigating and monitoring human rights conditions in Bosnia and Herzegovina and shall refrain from hindering or impeding them in the exercise of these functions.

4. All competent authorities in Bosnia and Herzegovina shall cooperate with and provide unrestricted access to the organizations established in this Agreement; any international human rights monitoring mechanisms established for Bosnia and Herzegovina; the supervisory bodies established by any of the international agreements listed in the Appendix to this Annex; the International Tribunal for the Former Yugoslavia; and any other organization authorized by the U.N. Security Council with a mandate concerning human rights or humanitarian law.

**Page 96; Annex 7: Agreement on Refugees and Displaced Persons;
Chapter One: Protection; Article III: Cooperation with International
Organizations and International Monitoring**

2. The Parties shall give full and unrestricted access by UNHCR, the International Committee of the Red Cross ["ICRC"], the United Nations Development Programme ("UNDP"), and other relevant international, domestic and nongovernmental organizations to all refugees and displaced persons, with a view to facilitating the work of those organizations in tracing persons, the provision of medical assistance, food distribution, reintegration assistance, the provision of temporary and permanent housing, and other activities vital to the discharge of their mandates and operational responsibilities without administrative impediments. These activities shall include traditional protection functions and the monitoring of basic human rights and humanitarian conditions, as well as the implementation of the provisions of this Chapter.

**Page 99; Annex 7: Agreement on Refugees and Displaced Persons;
Chapter One: Protection; Article X: Facilities, Staff and Expenses**

4. The Commission may receive assistance from international and nongovernmental organizations, in their areas of special expertise falling within the mandate of the Commission, on terms to be agreed.

**Page 55; Annex 3: Agreement On Elections; Article III: The Provisional
Election Commission**

3. Composition and Functioning of the Commission. The Commission shall consist of the Head of the OSCE Mission, the High Representative or his or her designee, representatives of the Parties, and such other persons as the Head of the OSCE Mission, in consultation with the Parties, may decide. The Head of the OSCE Mission shall act as Chairman of the Commission. In the event of disputes within the Commission, the decision of the Chairman shall be final.

**Page 118; Annex 11: Agreement On International Police Task Force;
Article III: IPTF Assistance Program**

1. IPTF assistance includes the following elements, to be provided in a program designed and implemented by the IPTF Commissioner in accordance with the Security Council decision described in Article 1(2):

(b) advising law enforcement personnel and force»;

(c) training law enforcement personnel;

(d) facilitating, within the IPTF's mission of assistance, the Parties' law enforcement activities;

(e) assessing threats to public order and advising on the capability of law enforcement agencies to deal with such threats.

(f) advising governmental authorities in Bosnia and Herzegovina on the organization of effective civilian law enforcement agencies; and

(g) assisting by accompanying the Parties' law enforcement personnel as they carry out their responsibilities, as the IPTF deems appropriate.

2. In addition to the elements of the assistance program set forth in paragraph 1, the IPTF will consider, consistent with its responsibilities and resources, requests from the Parties or law enforcement agencies in Bosnia and Herzegovina for assistance described in paragraph 1.

3. The Parties confirm their particular responsibility to ensure the existence of social conditions for free and fair elections, including the protection of international personnel in Bosnia and Herzegovina in connection with the elections provided for in Annex 3 to the General Framework Agreement. They request the IPTF to give priority to assisting the Parties in carrying out this responsibility.

**Page 119; Annex 11: Agreement On International Police Task Force;
Article IV: Specific Responsibilities of the Parties**

5. The Parties shall facilitate the operations of the IPTF in Bosnia and Herzegovina, including by the provision of appropriate assistance as requested with regard to transportation, subsistence, accommodations, communications, and other facilities at rates equivalent to those provided for the IFOR under applicable agreements.

Page 140; Letter from Alija Izetbegovic to Christopher Warren; Hot Line

With technical assistance as offered by the United States, my government will establish a direct, secure telephone link between the Presidency of Bosnia and Herzegovina and the Presidency of the Federal Republic of Yugoslavia.

Page 143; Letter from Slobodan Milosevic to Christopher Warren; Hot Line

With technical assistance as offered by the United States, my government will establish a direct, secure telephone link between the Presidency of Bosnia and Herzegovina and the Presidency of the Federal Republic of Yugoslavia.

FINAL AGREEMENT ON THE IMPLEMENTATION OF THE 1976 TRIPOLI AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES (GRP) AND THE MORO NATIONAL LIBERATION FRONT (MNLF)

Page 3; Preamble

[...]

Whereas, the parties affirm the sovereignty, territorial integrity and the Constitution of the Republic of the Philippines;

[...]

Page 3; I. Implementing Structure and Mechanism of this Agreement

2. Phase II shall involve an amendment to or repeal of the Organic Act (RA 6734) of the Autonomous Region in Muslim Mindanao (ARMM) through Congressional action, after which the amendatory law shall be submitted to the people of the concerned areas in a plebiscite to determine the establishment of a new autonomous government and the specific area of autonomy thereof.

a. While peace and development programs are being implemented in the SZOPAD, a bill to amend or repeal the RA 6734 shall be initiated within Phase I (1996-1997). The bill shall include the pertinent provisions of the final Peace Agreement and the expansion of the present ARMM area of autonomy. After a law shall have been passed by Congress and approved by the President, it shall be submitted to the people for approval in a plebiscite in the affected areas, within two (2) years from the establishment of the SPCPD (1998).

b. The new area of autonomy shall then be determined by the provinces and cities that will vote/choose to join the said autonomy (1998). It may be provided by the Congress in a law that clusters of contiguous Muslim-dominated municipalities voting in favor of autonomy be merged and constituted into a new province(s) which shall become part of the new Autonomous Region.

ps_pol

Political Power-sharing

Page 4; II. The Transitional Period (Phase I)

[...]

4. There shall be established a Southern Philippines Council for Peace and Development (SPCPD), composed of one (1) Chairman, one (1) Vice Chairman and three (3) Deputies, one each representing the Muslims, the Christians, and the Cultural Communities. They shall be appointed by the President.

Page 5-10; II. The Transitional Period (Phase I)

6. The local government units in the area including the ARMM, shall continue to exist and exercise their functions in accordance with existing laws.

7. [...] The foregoing enumeration of agencies or entities shall not preclude the President from exercising his power or discretion to delegate, subject to existing laws, certain powers or functions to the SPCPD, or to place other agencies or entities under the control and/or supervision of the latter.

9. The powers and functions of the SPCPD and the Consultative Assembly are derivative and extension of the powers of the President. The powers referred to here are only those powers of the President that could be delegated under the Constitution and existing laws.

10. There shall be established a Consultative Assembly with 81 members composed of the following:

a. The Chairman of the SPCPD shall be the head and presiding officer of the Assembly;

b. The Governor and the Vice Governor of the ARMM, the 14 Governors of the provinces and the 9 City Mayors in the SZOPAD;

c. 44 members from the MNLF; and

d. 11 members from various sectors recommended by non-governmental organizations (NGOs) and people's organizations (POs).

[...]

12. The OIC shall be requested to continue to extend its assistance and good offices in monitoring the full implementation of this agreement during the transitional period until the regular autonomous government is firmly established and for this purpose, help generate broad international support for the Zone of Peace and Development.

18. The powers and functions of the Council shall be as follows:

[...]

c. To provide support to local government units as necessary;

19.[...]

e.[...]

b. In the beginning, the MNLF forces will join as units distinct from AFP units. They will be initially organized into separate units within a transition period, until such time that mutual confidence is developed as the members of these separate units will be gradually integrated into regular AFP units deployed in the area of the autonomy. Subject to existing laws, policies, rules and regulations, the appropriate authorities shall waive the requirements and qualifications for entry of MNLF forces into the AFP.

Page 11-12; III. The New Regional Autonomous Government (Phase II)

The following provisions shall be implemented after a law amending or repealing the Organic Act of ARMM shall have been enacted by Congress and approved by the people in the concerned areas in a plebiscite therefore. Accordingly, these provisions shall be recommended by the GRP to Congress for incorporation in the amendatory or repealing law.

Page 12-19; III. The New Regional Autonomous Government (Phase II); A. Executive Council, Legislative Assembly, Administrative System and Representation in the National Government Executive Council

21. Executive power shall be vested in the Head of the regular Autonomous Government duly elected at large by direct vote of the people of the Autonomous Region. There shall also be a Vice Head of the Regional Autonomous Government also elected in the same manner. The Head of the Regional Autonomous Government may appoint three (3) Deputies. The Head, the Vice-Head and the three (3) Deputies shall comprise the Executive Council of the area of Autonomy.

22. The President shall exercise general supervision over the Regional Autonomous Government and all local government units in the area of Autonomy through the Head of the Regional Autonomous Government to ensure that laws are faithfully executed. The Head of the Autonomous Government shall exercise general supervision over all local government units in the area of autonomy to ensure that national and regional laws are faithfully executed, and see to it that they act within their assigned powers and functions.

23. Legislative power shall be vested in the Regional Legislative Assembly.

24. The Legislative Assembly shall be composed of members elected by popular vote, with three (3) members elected from each of the Congressional Districts.

25. There shall be sectoral representatives in the Legislative Assembly whose number shall not exceed fifteen percent (15%) of the total number of elected Members of the Legislative Assembly coming from the labor, disabled, industrial, indigenous cultural communities, youth, women, non-government organizations, agricultural, and such other sectors as may be provided by Regional Law to be appointed by the Head of the Autonomous Government from among the nominees of the different sectoral groups; provided, however, that the youth representative shall not be less than 18 years of age nor more than 21 years of age at the time of his appointment.

[...]

27. The Regional Legislative Assembly shall exercise legislative power for application in the area of autonomy except on the following matters, to wit:

- a. Foreign Affairs;
- b. National Defense and Security;
- c. Postal Service;
- d. Coinage, and Fiscal and Monetary Policies;
- e. Administration of Justice except on matters pertaining to Shari'ah;
- f. Quarantine;
- g. Customs and Tariff;
- h. Citizenship;
- i. Naturalization, Immigration and Deportation;
- j. General Auditing, Civil Service and Elections;
- k. Foreign Trade;
- l. Maritime, Land and Air Transportation and Communications that affect areas outside the autonomous region; and
- m. Patents, Trademarks, Tradenames and Copyrights.

28. The Legislative Assembly may create, divide, merge, abolish or substantially alter boundaries of local government units in the area of autonomy in accordance with the criteria laid down by law subject to approval by a majority of the votes cast in a plebiscite called for the purpose in the political units affected. It may also change the names of such local government units, public places and institutions.

29. Any member of the Legislative Assembly who accepts an appointment and qualifies for any position in the Government, including government-owned and/or controlled corporations or institutions and their subsidiaries, shall automatically forfeit his seat in the Legislative Assembly.

33. The powers, functions, responsibilities and structure of the different Departments, agencies, bureaus, offices and instrumentalities of the regional government including regional government-owned-and-controlled corporations in the areas of the autonomy shall be prescribed and defined by the Regional Legislative Assembly.

35. Every member of the Legislative Assembly shall take an oath or affirmation of allegiance to the Republic of the Philippines before taking his/her seat.

42. The Chief Executive of the Autonomous Government shall approve the budget of the Autonomous Region. If, by the end of any fiscal year, the Legislative Assembly shall have failed to pass the regional appropriations bill for the ensuing fiscal year, the regional Appropriations Act for the preceding fiscal year shall be deemed automatically reenacted and shall remain in force and effect until the regional appropriations bill is passed by the Legislative Assembly.

43. No provision or enactment shall be embraced in the regional appropriations bill unless it relates specifically to some particular appropriation therein. Any such provision or enactment shall be limited in its operation to the appropriation to which it relates.

44. The procedure in approving appropriations for the Legislative Assembly shall strictly follow the procedure for approving appropriations for other departments and agencies of the Regional Government.

45. A special appropriations bill shall specify the purpose for which it is intended, and shall be supported by funds actually available as certified by the Regional Treasurer, or to be raised by a corresponding revenue proposal therein.

47. All money collected on any regional tax levied for a special purpose shall be treated as a special fund and paid out for such special purpose only. If the purpose for which a special fund was created has been fulfilled or abandoned, the balance, if any, shall accrue to the general funds of the regional government.

48. Trust funds shall only be paid out of the regional treasury upon fulfillment of the specific purpose for which said funds were created or received.

51. No bill shall become a law unless it has passed three (3) readings on separate days and printed copies thereof in its final form have been distributed to its Members three (3) days before its passage, except when the Chief Executive certifies to the necessity of its immediate enactment to meet a public calamity or emergency.

52. Every bill passed by the Legislative Assembly shall, before it becomes a law, be presented to the Chief Executive. If he approves the same, he shall sign it, otherwise, he shall veto it and return it with his objections to the Legislative Assembly, which shall enter the objections at large in its journal and proceed to consider it. If, after such reconsideration, two-thirds (2/3) of all the Members of the Legislative Assembly shall agree to pass the bill, it shall become a law. In all such cases, the veto shall be determined by yeas and nays, and the names of the members voting for or against shall be entered in the journal. The Chief Executive shall communicate his veto of any bill to the Legislative Assembly within thirty (30) days after the receipt thereof; otherwise, it shall become a law as if he had signed it.

57. The Legislative Assembly may not increase the appropriations recommended by the Chief Executive for the operation of the Autonomous Government as specified in the budget. The form, content and manner of preparation of the budget shall be prescribed by regional law; provided, however, that pending the enactment of such regional law, the budgeting process shall be governed by existing national laws and rules and regulations prescribed by the Department of Budget and Management.

59. The financial accounts of the expenditures and revenues of the Autonomous Region shall be audited by the Commission on Audit.

61. No regional law shall be passed authorizing any transfer of appropriations; however, the Chief Executive, the Speaker of the Assembly, and the Presiding Justice of the highest Shariah Court may, by law, be authorized to augment any item in the Regional General Appropriation Law for their respective offices from savings in other items of their respective appropriations.

62. The Regional Autonomous Government shall have the power to enact its own Regional Administrative Code and Regional Local Government Code consistent with national laws and the Constitution provided that it shall not in any way diminish the powers and functions already enjoyed by Local Government Units.

**Page 19-20; III. The New Regional Autonomous Government (Phase II);
A. Executive Council, Legislative Assembly, Administrative System and
Representation in the National Government Executive Council; General
Principles**

63. Representation in the National Government by the inhabitants of the Autonomous Region may be effected through appointment or elections and must be subject to standards and guidelines prescribed for the position. When representation is done by appointment, the inhabitants of the Autonomous Region will be appointed by the President of the Philippines to herein specified positions which are policy determining, highly technical, primarily confidential and supervisory upon recommendation by the Head of the Autonomous Government.

64. Right of representation shall not be construed in such a way that applicants from the Autonomous Region, especially Muslims, and Cultural Communities, for lower positions in the above organs of the government cannot be appointed anymore thereto.

65. It shall be policy of the National Government that there shall be at least one (1) member of the Cabinet (with the rank of Department Secretary) who is an inhabitant of the Autonomous Region to be recommended by the Head of the Autonomous Government.

66. It shall likewise be a policy that there shall be at least one (1) official in each of the departments and the constitutional bodies of the national government who shall be appointed in executive, primarily confidential, highly technical policy-determining positions, from among the inhabitants of the Autonomous Region upon recommendation by the Head of the Autonomous

Government. The Head of the Autonomous Government shall participate as ex-officio member of the National Security Council on all matters concerning the Autonomous Region and such other matters as may be determined by the President.

67. Government-Owned and Controlled Corporations (GOCCs) or institutions and their subsidiaries in the area of autonomy: where Government-Owned and Controlled Corporations (GOCCs) are operating mainly or with a subsidiary in the area of autonomy, as a policy, the Regional Autonomous Government shall be given some representations in the Board of Directors or in the policy making body of said GOCCs or their subsidiaries consistent with their respective charters.

Page 20; III. The New Regional Autonomous Government (Phase II); A. Executive Council, Legislative Assembly, Administrative System and Representation in the National Government Executive Council; Legislative

68. It shall be the policy of the National Government that the Regional Autonomous Government shall have one (1) representative in Congress as a Sectoral Representative. This is aside from the representatives/congress men elected from the congressional districts located in the autonomous region.

Page 20-21; III. The New Regional Autonomous Government (Phase II); A. Executive Council, Legislative Assembly, Administrative System and Representation in the National Government Executive Council; Judicial

69. It shall be a policy of the National Government that at least one (1) justice in the Supreme Court and at least two (2) in the Court of Appeals shall come from the Autonomous Region. For this purpose, the Head of the autonomous Government may submit the names of his recommendees to the Judicial and Bar Council for consideration. This is without prejudice to the appointment of qualified inhabitants of the Autonomous Region to other positions in the judiciary in accordance with their merits and qualifications.

70. The GRP shall endeavour to cause the appointment, as a member of the Judicial and Bar Council, a qualified person to be recommended by the Head of the Regional Autonomous Government.

71. The GRP shall request the Supreme Court to create the Office of the Deputy Court Administrator for the Area of Autonomy, and to appoint thereto a qualified person recommended by the Head of the Regional Autonomous Government.

Page 21; III. The New Regional Autonomous Government (Phase II); A. Executive Council, Legislative Assembly, Administrative System and Representation in the National Government Executive Council; Civil Service Eligibilities

72. The civil service eligibility requirements for appointment to government position shall be applicable in the Autonomous Government. As necessary, the Civil Service Commission shall hold special civil service examinations in the region to further increase the number of eligibles therein. For a period not longer than five (5) years from the establishment of the Regional Autonomous Government, the GRP will endeavour to provide for appropriate civil service eligibility to applicants in the Autonomous Region, provided, the minimum educational qualifications for the position are met.

ps_eco

Economic Power-sharing

Page 17-19; III. The New Regional Autonomous Government (Phase II); A. Executive Council, Legislative Assembly, Administrative System and Representation in the National Government Executive Council

47. All money collected on any regional tax levied for a special purpose shall be treated as a special fund and paid out for such special purpose only. If the purpose for which a special fund was created has been fulfilled or abandoned, the balance, if any, shall accrue to the general funds of the regional government.

48. Trust funds shall only be paid out of the regional treasury upon fulfillment of the specific purpose for which said funds were created or received.

59. The financial accounts of the expenditures and revenues of the Autonomous Region shall be audited by the Commission on Audit.

61. No regional law shall be passed authorizing any transfer of appropriations; however, the Chief Executive, the Speaker of the Assembly, and the Presiding Justice of the highest Shariah Court may, by law, be authorized to augment any item in the Regional General Appropriation Law for their respective offices from savings in other items of their respective appropriations.

Page 20; III. The New Regional Autonomous Government (Phase II); A. Executive Council, Legislative Assembly, Administrative System and Representation in the National Government Executive Council; General Principles

67. Government-Owned and Controlled Corporations (GOCCs) or institutions and their subsidiaries in the area of autonomy: where Government-Owned and Controlled Corporations (GOCCs) are operating mainly or with a subsidiary in the area of autonomy, as a policy, the Regional Autonomous Government shall be given some representations in the Board of Directors or in the policy making body of said GOCCs or their subsidiaries consistent with their respective charters.

Page 30; III. The New Regional Autonomous Government (Phase II); D. The Economic and Financial System, Mines and Minerals

132. The Regional Autonomous Government in the area of autonomy shall have the power to enact a Regional Tax Code and a regional Local Tax Code applicable to all local government units within the area of autonomy.

Page 32-33; III. The New Regional Autonomous Government (Phase II); D. The Economic and Financial System, Mines and Minerals

144. The Regional Autonomous Government in the area of autonomy shall enjoy fiscal autonomy in budgeting its own revenue resources and block subsidies granted to it by the National Government and foreign donors. Budgeting includes planning, programming and disbursing of funds.

145. The National Government shall appropriate for the area of autonomy a sufficient amount and for a period (both to be determined later) for infrastructure projects which shall be based on a development plan duly approved by the Regional Autonomous Government taking into account national policies.

146. Except strategic minerals which will be defined later, the control and supervision over the exploration, exploitation, development, utilization and protection of mines and minerals in the area of autonomy shall be vested in the Regional Autonomous Government.

147. In the regulation of the exploration, utilization, development, protection of the natural resources inclusive of mines and minerals, except strategic minerals which will be defined later, the government in the area of autonomy shall enact rules and regulations and shall impose regulatory fees, taking into account national policies.

150. The Regional Autonomous Government shall establish a body in the area of autonomy with the same powers as the Philippine Economic Zone Authority (PEZA) consistent with the Special Economic Zone Act of 1995.

Page 34; III. The New Regional Autonomous Government (Phase II); D. The Economic and Financial System, Mines and Minerals

151. All current year collections of internal revenue taxes within the area of autonomy shall, for a period of five (5) years, be allotted for the Regional

Autonomous Government (RAG) in the Annual General Appropriations Act; provided that:

[...]

b. Out of said internal revenue tax collections, fifty percent (50%) of the tax collected under Section 100 (Value-added tax on sale of goods), 102 (Value added tax on sale of services), 112 (Tax on persons exempt from value-added tax), 113 (Hotel, motels and others), and 114 (Caterers) of the National Internal Revenue Code (NIRC), as amended, in excess of the increase in collections for the immediately preceding year shall be shared by the RAG and the local government units (LGUs) within the area of autonomy as follows:

1. Twenty percent (20%) shall accrue to the city or municipality where such taxes are collected; and

2. Eighty percent (80%) shall accrue to the RAG. In all cases, the RAG shall remit to the LGUs their respective shares within sixty (60) days from the end of each quarter of the current year. Provided, however, that the provinces, cities, municipalities and barangays within the area of autonomy shall continue to receive their respective shares in the Internal Revenue Allotment (IRA), as provided for in Section 284 of the Local Government Code of 1991.

Page 3; I. Implementing Structure and Mechanism of this Agreement

1. Phase I shall cover a three (3) year period starting after the signing of the peace agreement with the issuance of Executive Order establishing the Special Zone of Peace and Development (SZOPAD), the Southern Philippine Council for Peace and Development (SPCPD), and the Consultative Assembly. During this phase, the process of the joining in of MNLF elements with the Armed Forces of the Philippines will start. The joining in of MNLF elements with the PNP as part of the regular police recruitment programme will also take place in this phase.

Page 9-11; II. Transitional Period (Phase I)

19.[...]

c. The concerned officials of the Council (e.g. the Chairman and his Deputies) shall be provided security and protective assistance by the national government, as the security situation warrants and as part of confidence building measures. An AFP/PNP security detail shall be immediately and particularly assigned to the Council. This special AFP/PNP security detail shall be composed of former MNLF regulars who shall have been granted AFP or PNP appointments and duly integrated into the AFP or PNP. This security detail shall be of appropriate size in accordance with the needs of the situation, without prejudice to augmentation by regular AFP or PNP units as the need arises and in coordination with the AFP and PNP commanders concerned. This security detail which shall not be utilized for law enforcement, but solely for the security and protection of SPCPD officials concerned, shall conduct themselves in accordance with existing policies and regulations in order to prevent undue alarm to the population during movements of concerned officials.

[...]

e. The joining of the MNLF forces with the Armed Forces of the Philippines (AFP):

a. Five thousand seven hundred fifty (5,750) MNLF members shall be integrated into the Armed Forces of the Philippines (AFP), 250 of whom shall be absorbed into the auxiliary services. The government shall exert utmost efforts to establish the necessary conditions that would ensure the eventual integration of the maximum number of the remaining MNLF forces into the Special Regional Security Force (SRSF) and other agencies and instrumentalities of the government. There shall be a special socioeconomic, cultural and educational program to cater to MNLF forces not absorbed into the AFP, PNP and the SRSF to prepare them and their families for productive endeavors, provide for educational, technical skills and livelihood training and give them priority for hiring in development projects.

b. In the beginning, the MNLF forces will join as units distinct from AFP units. They will be initially organized into separate units within a transition period,

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Military Power-sharing

until such time that mutual confidence is developed as the members of these separate units will be gradually integrated into regular AFP units deployed in the area of the autonomy. Subject to existing laws, policies, rules and regulations, the appropriate authorities shall waive the requirements and qualifications for entry of MNLF forces into the AFP.

c. One from among the MNLF will assume the functions and responsibilities of a Deputy Commander of the Southern Command, AFP, for separate units that will be organized out of the MNLF forces joining the AFP. The Deputy Commander will assist the Commander of the Southern Command, AFP in the command, administration and control of such separate units throughout the aforementioned transition period. The Deputy Commander will be given an appointment commensurate to his position and shall be addressed as such.

d. The government recognizes the skills, capabilities and achievements of the MNLF and its capacity to develop its members for the highest echelons of military and civilian leadership. The ranks and grades of MNLF forces joining AFP shall be subject to the decision of the President in his capacity as Commander-in-Chief of the AFP along the principles of universality, nondiscrimination, equity and preferential treatment for the poor and underprivileged.

e. The government shall take affirmative measures to continually improve the capabilities of those MNLF forces joining the AFP to enhance their opportunities for professional advancement in the military service. It shall undertake initiatives to provide professional training and military schooling in foreign countries to former MNLF members absorbed into the AFP in consonance with the education and training programmes with the AFP.

f. All other matters regarding the joining of MNLF forces into the AFP not expressly covered by this Agreement shall be prescribed by the President in his capacity as Commander-in-Chief of the AFP.

Page 22; III. The New Regional Autonomous Government (Phase II); B. The Establishment of the Special Regional Security Force for the Autonomous Region (Phase II of the Implementation of the Tripoli Agreement) - General Principles

74. The Regional Legislative Assembly may enact laws governing the PNP Regional Command for the Autonomous Region/SRSF consistent with the constitutional provision that there shall be one police force in the country which is national in scope and civilian in character.

<p>tj_amn</p>	<p>Amnesty</p>
<p>tj_pri</p>	<p>Prisoner Release</p>
<p>tj_hum</p>	<p>Page 22; III. The New Regional Autonomous Government (Phase II); B. The Establishment of the Special Regional Security Force for the Autonomous Region (Phase II of the Implementation of the Tripoli Agreement); General Principles</p> <p>76. The powers and functions of the PNP Regional Command for the Autonomous Region/SRSF, which shall be exercised within the territories covered by the Regional Autonomous Government (RAG), shall be the following: [...]</p>

e. Detain and arrest a person for a period not beyond what is prescribed by law, informing the person so detained of all his rights under the Constitution and observing the inherent human rights of the citizens;

Page 30; III. The New Regional Autonomous Government (Phase II); D. The Economic and Financial System, Mines and Minerals

130. The Regional Autonomous Government in the area of autonomy advocates equal opportunities for all the inhabitants of the area of autonomy regardless of ethnic origin, culture, sex, creed and religion.

Page 1; Preamble

Whereas, the MNLF, led by Professor Nur Misuari, inspired by their quest for peace and prosperity, had in the past asserted the right of the Moro people to freely determine their political status and freely pursue their religious, social, economic and cultural development;

Page 4; II. The Transitional Period (Phase I)

Phase I shall be implemented as follows: [...]

4. There shall be established a Southern Philippines Council for Peace and Development (SPCPD), composed of one (1) Chairman, one (1) Vice Chairman and three (3) Deputies, one each representing the Muslims, the Christians, and the Cultural Communities. They shall be appointed by the President.

Page 5; II. The Transitional Period (Phase I)

Phase I shall be implemented as follows: [...]

7. [...]

c. The Regional and Field Offices of the Office of Southern Cultural Communities (OSCC) which are situated and operating within the Special Zone of Peace and Development (SZOPAD), shall be placed under the direct supervision of SPCPD, provided that the coordination, linkages and complementation between the central OSCC and SPCPD shall be defined by a Presidential issuance;

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Indigenous &
Minority Rights

Page 6; II. The Transitional Period (Phase I)

Phase I shall be implemented as follows: [...]

10. There shall be established a Consultative Assembly with 81 members composed of the following:

[...]

c. 44 members from the MNLF; and

[...]

Page 12; III. The New Regional Autonomous Government (Phase II); A. Executive Council, Legislative Assembly, Administrative System and Representation in the National Government Executive Council

25. There shall be sectoral representatives in the Legislative Assembly whose number shall not exceed fifteen percent (15%) of the total number of elected Members of the Legislative Assembly coming from the labor, disabled, industrial, indigenous cultural communities, [...]

Page 19; III. The New Regional Autonomous Government (Phase II); A. Executive Council, Legislative Assembly, Administrative System and Representation in the National Government; General Principles

64. Right of representation shall not be construed in such a way that applicants from the Autonomous Region, especially Muslims, and Cultural Communities, for lower positions in the above organs of the government cannot be appointed anymore thereto.

Page 24; III. The New Regional Autonomous Government (Phase II); C. Education; The Integrated System of Education

95. The Regional Autonomous Government educational system shall, among others, perpetuate Filipino and Islamic ideals and aspirations, Islamic values and orientations of the Bangsamoro people. It shall develop the total spiritual, intellectual, social, cultural, scientific and physical aspects of the Bangsamoro people to make them Godfearing, productive, patriotic citizens, conscious of their Filipino and Islamic values and Islamic cultural heritage under the aegis of a just and equitable society.

Page 25-26; III. The New Regional Autonomous Government (Phase II); C. Education; Curriculum

97. The Regional Autonomous Government educational system will adopt the basic core courses for all Filipino children as well as the minimum required learnings and orientations provided by the national government, including the subject areas and their daily time allotment. Teaching materials and curriculum contents shall promote solidarity, unity in diversity, Filipino and Islamic values.

101. The integration of Islamic Values in the curriculum should be done gradually after researches and studies are conducted.

102. The teachings of Islamic Values, as well as Filipino values, shall be incorporated in Good Manners and Right Conduct in appropriate grade levels including the tertiary level subject to agreed norms, academic freedom, and legal limitations.

103. Muslim culture, mores, customs and traditions which are mainly based on Islam, as well as the cultures, mores, customs, and traditions of Christians and indigenous people, shall be preserved through the regular public and special schools in the Autonomous Region, considering that schools are perpetuating vehicles of the values of the people.

Page 27; III. The New Regional Autonomous Government (Phase II); C. Education; Religious Instruction

112. Religious instruction in public schools should be optional, with the written consent of the parent/guardian, taught by the authorities of the religion to which the student belongs, and should not involved additional costs to the government in accordance with national policies.

Page 28; III. The New Regional Autonomous Government (Phase II); C. Education; Medium of Instruction

114. Regional languages may be used as auxiliary official languages in the region as well as auxiliary medium of instruction and communication.

115. Arabic shall be recognized as a medium of instruction in Madaris (schools) and other Islamic institutions.

116. Arabic shall be taught as a subject in all appropriate grade levels as presently required in the existing laws for Muslims, and optional, for non-Muslims.

tj_wom

Women's Rights &
Gender Issues

Page 12; III. The New Regional Autonomous Government (Phase II); A. Executive Council, Legislative Assembly, Administrative System and Representation in the National Government Executive Council

25. There shall be sectoral representatives in the Legislative Assembly whose number shall not exceed fifteen percent (15%) of the total number of elected

Members of the Legislative Assembly coming from the labor, disabled, industrial, indigenous cultural communities, youth, women, [...]

Page 15; III. The New Regional Autonomous Government (Phase II); A. Executive Council, Legislative Assembly, Administrative System and Representation in the National Government Executive Council

34. No person shall be elected member of the Legislative Assembly unless he/she is:
[...]

35. Every member of the Legislative Assembly shall take an oath or affirmation of allegiance to the Republic of the Philippines before taking his/her seat.

Page 1; Preamble

Whereas, the MNLF, led by Professor Nur Misuari, inspired by their quest for peace and prosperity, had in the past asserted the right of the Moro people to freely determine their political status and freely pursue their religious, social, economic and cultural development;

Page 11; III. The New Regional Autonomous Government (Phase II)

The following provisions shall be implemented after a law amending or repealing the Organic Act of ARMM shall have been enacted by Congress and approved by the people in the concerned areas in a plebiscite therefore. Accordingly, these provisions shall be recommended by the GRP to Congress for incorporation in the amendatory or repealing law.

Page 16; III. The New Regional Autonomous Government (Phase II); A. Executive Council, Legislative Assembly, Administrative System and Representation in the National Government

41. No member shall be questioned or be held liable in any other place for any speech or debate in the Assembly or in any committee thereof.

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Civil & Political
Rights

Page 22; III. The New Regional Autonomous Government (Phase II); B. The Establishment of the Special Regional Security Force for the Autonomous Region (Phase II of the Implementation of the Tripoli Agreement); General Principles

76. The powers and functions of the PNP Regional Command for the Autonomous Region/SRSF, which shall be exercised within the territories covered by the Regional Autonomous Government (RAG), shall be the following: [...]

d. Exercise the general powers to make arrest, search and seizure in accordance with the Constitution and pertinent laws;

e. Detain and arrest a person for a period not beyond what is prescribed by law, informing the person so detained of all his rights under the Constitution and observing the inherent human rights of the citizens;

[...]

Page 30; III. The New Regional Autonomous Government (Phase II); D. The Economic and Financial System, Mines and Minerals

130. The Regional Autonomous Government in the area of autonomy advocates equal opportunities for all the inhabitants of the area of autonomy regardless of ethnic origin, culture, sex, creed and religion.

tj_esc	Economic, Social & Cultural Rights
tj_vic	Victims & Reparations
tj_ref	Refugees & Internally Displaced Persons
tj_tru	Truth & Reconciliation Commission
tj_rec	Reconciliation
tj_pro	<p>Page 12-13; III. The New Regional Autonomous Government (Phase II); A. Executive Council, Legislative Assembly, Administrative System and Representation in the National Government; Executive Council; Legislative Council</p> <p>25. There shall be sectoral representatives in the Legislative Assembly whose number shall not exceed fifteen percent (15%) of the total number of elected Members of the Legislative Assembly coming from the labor, disabled, industrial, indigenous cultural communities, youth, women, non-government organizations, agricultural, and such other sectors as may be provided by Regional Law to be appointed by the Head of the Autonomous Government from among the nominees of the different sectoral groups; provided, however, that the youth representative shall not be less than 18 years of age nor more than 21 years of age at the time of his appointment.</p> <p>Page 22; III. The New Regional Autonomous Government (Phase II); B. The Establishment of the Special Regional Security Force for the Autonomous Region (Phase II of the Implementation of the Tripoli Agreement); General Principles</p> <p>76. The powers and functions of the PNP Regional Command for the Autonomous Region/SRSF, which shall be exercised within the territories covered by the Regional Autonomous Government (RAG), shall be the following:</p> <p>a. Enforce all laws and ordinances relative to the protection of lives and properties;</p> <p>Page 24; III. The New Regional Autonomous Government (Phase II); C. Education; The Integrated System of Education</p>

95. The Regional Autonomous Government educational system shall, among others, perpetuate Filipino and Islamic ideals and aspirations, Islamic values and orientations of the Bangsamoro people. It shall develop the total spiritual, intellectual, social, cultural, scientific and physical aspects of the Bangsamoro people to make them Godfearing, productive, patriotic citizens, conscious of their Filipino and Islamic values and Islamic cultural heritage under the aegis of a just and equitable society.

Page 25; III. The New Regional Autonomous Government (Phase II); C. Education; Curriculum

97. The Regional Autonomous Government educational system will adopt the basic core courses for all Filipino children as well as the minimum required learnings and orientations provided by the national government, including the subject areas and their daily time allotment. Teaching materials and curriculum contents shall promote solidarity, unity in diversity, Filipino and Islamic values.

Page 26; III. The New Regional Autonomous Government (Phase II); C. Education; Curriculum

102. The teachings of Islamic Values, as well as Filipino values, shall be incorporated in Good Manners and Right Conduct in appropriate grade levels including the tertiary level subject to agreed norms, academic freedom, and legal limitations.

103. Muslim culture, mores, customs and traditions which are mainly based on Islam, as well as the cultures, mores, customs, and traditions of Christians and indigenous people, shall be preserved through the regular public and special schools in the Autonomous Region, considering that schools are perpetuating vehicles of the values of the people.

Page 28; III. The New Regional Autonomous Government (Phase II); C. Education; Non-formal Education and Specialized Education

121. The Regional Autonomous Government educational system shall institutionalize non-formal education in scope and methodology, to include literacy, numeracy and intensive skills training of the youth and adult, to allow them to participate actively and productively in the mainstream of regional and national life.

Page 30; III. The New Regional Autonomous Government (Phase II); D. The Economic and Financial System, Mines and Minerals

130. The Regional Autonomous Government in the area of autonomy advocates equal opportunities for all the inhabitants of the area of autonomy regardless of ethnic origin, culture, sex, creed and religion.

Page 3-4; I. Implementing Structure and Mechanism of this Agreement

2. Phase II shall involve an amendment to or repeal of the Organic Act (RA 6734) of the Autonomous Region in Muslim Mindanao (ARMM) through Congressional action, after which the amendatory law shall be submitted to the people of the concerned areas in a plebiscite to determine the establishment of a new autonomous government and the specific area of autonomy thereof.

tr_con

Constitutional Reform

a. While peace and development programs are being implemented in the SZOPAD, a bill to amend or repeal the RA 6734 shall be initiated within Phase I (1996-1997). The bill shall include the pertinent provisions of the final Peace Agreement and the expansion of the present ARMM area of autonomy. After a law shall have been passed by Congress and approved by the President, it shall be submitted to the people for approval in a plebiscite in the affected areas, within two (2) years from the establishment of the SPCPD (1998).

b. The new area of autonomy shall then be determined by the provinces and cities that will vote/choose to join the said autonomy (1998). It may be provided

by the Congress in a law that clusters of contiguous Muslim-dominated municipalities voting in favor of autonomy be merged and constituted into a new province(s) which shall become part of the new Autonomous Region.

Page 11-12; III. The New Regional Autonomous Government (Phase II)

The following provisions shall be implemented after a law amending or repealing the Organic Act of ARMM shall have been enacted by Congress and approved by the people in the concerned areas in a plebiscite therefore. Accordingly, these provisions shall be recommended by the GRP to Congress for incorporation in the amendatory or repealing law.
[...]

**Page 12-18; III. The New Regional Autonomous Government (Phase II);
A. Executive Council, Legislative Assembly, Administrative System and Representation in the National Government Executive Council;
Legislative Council**

[...]

23. Legislative power shall be vested in the Regional Legislative Assembly.

24. The Legislative Assembly shall be composed of members elected by popular vote, with three (3) members elected from each of the Congressional Districts.

25. There shall be sectoral representatives in the Legislative Assembly whose number shall not exceed fifteen percent (15%) of the total number of elected Members of the Legislative Assembly coming from the labor, disabled, industrial, indigenous cultural communities, youth, women, non-government organizations, agricultural, and such other sectors as may be provided by Regional Law to be appointed by the Head of the Autonomous Government from among the nominees of the different sectoral groups; provided, however, that the youth representative shall not be less than 18 years of age nor more than 21 years of age at the time of his appointment.

26. The people's initiative, by way of a plebiscite or referendum, is recognized.

27. The Regional Legislative Assembly shall exercise legislative power for application in the area of autonomy except on the following matters, to wit:

- a. Foreign Affairs;
- b. National Defense and Security;
- c. Postal Service;
- d. Coinage, and Fiscal and Monetary Policies;
- e. Administration of Justice except on matters pertaining to Shari'ah;
- f. Quarantine;
- g. Customs and Tariff;
- h. Citizenship;
- i. Naturalization, Immigration and Deportation;
- j. General Auditing, Civil Service and Elections;
- k. Foreign Trade;
- l. Maritime, Land and Air Transportation and Communications that affect areas outside the autonomous region; and
- m. Patents, Trademarks, Tradenames and Copyrights.

28. The Legislative Assembly may create, divide, merge, abolish or substantially alter boundaries of local government units in the area of autonomy in accordance with the criteria laid down by law subject to approval by a majority of the votes cast in a plebiscite called for the purpose in the political units affected. It may also change the names of such local government units, public places and institutions.

29. Any member of the Legislative Assembly who accepts an appointment and qualifies for any position in the Government, including government-owned-and/orcontrolled corporations or institutions and their subsidiaries, shall automatically forfeit his seat in the Legislative Assembly.

30. No member of the Legislative Assembly may personally appear as counsel before courts of justice or quasi-judicial and other administrative bodies. Neither shall he directly or indirectly, be interested financially in any contract

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Legislative Branch
Reform

with, or in any franchise or privilege granted by, the Government or any subdivision, agency or instrumentality thereof, including any government-owned-and/or-controlled corporation or its subsidiary, during his term of office. He shall not intervene in any matter before any office of the government for his pecuniary benefit or where he may be called upon to act on account of his office.

31. In case of vacancy in the Legislative Assembly occurring at least one year before the expiration of the term of office, a special election shall be called to fill the vacancy in the manner prescribed by law; provided that the member elected shall serve for the unexpired term.

32. The Legislative Assembly shall elect from among its members a Speaker and such other officers as the rules may provide. The Speaker shall appoint the personnel of the administrative organization of the Legislative Assembly.

33. The powers, functions, responsibilities and structure of the different Departments, agencies, bureaus, offices and instrumentalities of the regional government including regional government-owned-and-controlled corporations in the areas of the autonomy shall be prescribed and defined by the Regional Legislative Assembly.

34. No person shall be elected member of the Legislative Assembly unless he/she is:

- a. A natural-born citizen of the Philippines;
- b. At least 21 years of age on the day of elections;
- c. Able to read and write;
- d. A registered voter of the district in which he/she shall be elected on the day he/she files his/ her certificate of candidacy; and
- e. A resident thereof for a period of no less than five years immediately preceding the day of election.

35. Every member of the Legislative Assembly shall take an oath or affirmation of allegiance to the Republic of the Philippines before taking his/her seat.

36. The Legislative Assembly shall adopt its own rules of procedure by a majority vote of all its Members including the selection of members of its standing committees and the suspension or expulsion of its Members.

37. A majority of all the Members of the Assembly shall constitute a quorum to do business, but a smaller number may adjourn from day-to-day and may compel the attendance of absent members in such manner, and under such penalties as the Assembly may provide.

38. The Legislative Assembly or any of its committees may conduct inquiries or public consultations in aid of legislation in accordance with its rules. The rights of persons appearing in or affected by such inquiries shall be respected.

39. The Legislative Assembly shall keep a Journal of its proceedings and a record of its caucuses and meetings. The records and books of account of the Assembly shall be preserved and be open to public scrutiny. The Commission on Audit shall publish an annual report of the itemized list of expenditures incurred by the Members of the Assembly within sixty (60) days from the end of every regular session.

40. The Speaker of the Legislative Assembly shall, within ten working days from approval thereof, submit to the President and to both Houses of Congress a certified true copy of all laws and resolutions approved by the Legislative Assembly.

41. No member shall be questioned or be held liable in any other place for any speech or debate in the Assembly or in any committee thereof.

42. The Chief Executive of the Autonomous Government shall approve the budget of the Autonomous Region. If, by the end of any fiscal year, the Legislative Assembly shall have failed to pass the regional appropriations bill for the ensuing fiscal year, the regional Appropriations Act for the preceding fiscal year shall be deemed automatically re-enacted and shall remain in force and effect until the regional appropriations bill is passed by the Legislative Assembly.

43. No provision or enactment shall be embraced in the regional appropriations bill unless it relates specifically to some particular appropriation therein. Any such provision or enactment shall be limited in its operation to the appropriation to which it relates.

44. The procedure in approving appropriations for the Legislative Assembly shall strictly follow the procedure for approving appropriations for other departments and agencies of the Regional Government.
[...]

49. Except as provided by its rules, the Legislative Assembly shall meet in open session. Regular session shall commence on the 4th Monday of April and shall continue to be in session for such number of days as may be determined by the Assembly until thirty (30) days before the opening of its next regular session.

50. The Legislative Assembly shall meet in special sessions at the request of one-third (1/3) of all its Members or by call of the Chief Executive. Such special sessions must be convened with specific agenda.

51. No bill shall become a law unless it has passed three (3) readings on separate days and printed copies thereof in its final form have been distributed to its Members three (3) days before its passage, except when the Chief Executive certifies to the necessity of its immediate enactment to meet a public calamity or emergency.

52. Every bill passed by the Legislative Assembly shall, before it becomes a law, be presented to the Chief Executive. If he approves the same, he shall sign it, otherwise, he shall veto it and return it with his objections to the Legislative Assembly, which shall enter the objections at large in its journal and proceed to consider it. If, after such reconsideration, two-thirds (2/3) of all the Members of the Legislative Assembly shall agree to pass the bill, it shall become a law. In all such cases, the veto shall be determined by yeas and nays, and the names of the members voting for or against shall be entered in the journal. The Chief Executive shall communicate his veto of any bill to the Legislative Assembly within thirty (30) days after the receipt thereof; otherwise, it shall become a law as if he had signed it.

53. The Legislative Assembly may request the presence of the Chief Executive, Vice- Chief Executive, Cabinet members or their deputies, as the rules shall provide, for questioning on matters falling within the scope of their assigned powers and functions.

54. Subject to the rules of the Legislative Assembly, the legislative power to inquire on matters relating to the exercise of administrative functions by an agency of government within the Autonomous Region shall be in the form of written questions.

55. The Chief Executive shall submit to the Legislative Assembly not later than two (2) months before the beginning of every regular session, as the basis of the regional appropriations bill, a budget of expenditures and sources of financing, including receipts from existing and proposed revenue measures.

56. The fiscal year of the Autonomous Region shall cover the period January 1 to December 31 of the same year.

57. The Legislative Assembly may not increase the appropriations recommended by the Chief Executive for the operation of the Autonomous Government as specified in the budget. The form, content and manner of preparation of the budget shall be prescribed by regional law; provided, however, that pending the enactment of such regional law, the budgeting process shall be governed by existing national laws and rules and regulations prescribed by the Department of Budget and Management.

58. The Chief Executive shall have the power to veto any particular item or items in an appropriation or revenue bill, but the veto shall not affect the item or items to which he does not object. The veto may be reconsidered by the Assembly by a vote of two thirds (2/3) of all its Members.
[...]

Page 20; III. The New Regional Autonomous Government (Phase II); A. Executive Council, Legislative Assembly, Administrative System and Representation in the National Government Executive Council; Legislative

68. It shall be the policy of the National Government that the Regional Autonomous Government shall have one (1) representative in Congress as a Sectoral Representative. This is aside from the representatives/congressmen elected from the congressional districts located in the autonomous region.

Page 12-18; III. The New Regional Autonomous Government (Phase II); A. Executive Council, Legislative Assembly, Administrative System and Representation in the National Government Executive Council; Legislative Council

21. Executive power shall be vested in the Head of the regular Autonomous Government duly elected at large by direct vote of the people of the Autonomous Region. There shall also be a Vice Head of the Regional Autonomous Government also elected in the same manner. The Head of the Regional Autonomous Government may appoint three (3) Deputies. The Head, the Vice-Head and the three (3) Deputies shall comprise the Executive Council of the area of Autonomy.

42. The Chief Executive of the Autonomous Government shall approve the budget of the Autonomous Region. [...]

51. No bill shall become a law unless it has passed three (3) readings on separate days and printed copies thereof in its final form have been distributed to its Members three (3) days before its passage, except when the Chief Executive certifies to the necessity of its immediate enactment to meet a public calamity or emergency.

52. Every bill passed by the Legislative Assembly shall, before it becomes a law, be presented to the Chief Executive. If he approves the same, he shall sign it, otherwise, he shall veto it and return it with his objections to the Legislative Assembly, which shall enter the objections at large in its journal and proceed to consider it. If, after such reconsideration, two-thirds (2/3) of all the Members of the Legislative Assembly shall agree to pass the bill, it shall become a law. In all such cases, the veto shall be determined by yeas and nays, and the names of the members voting for or against shall be entered in the journal. The Chief Executive shall communicate his veto of any bill to the Legislative Assembly within thirty (30) days after the receipt thereof; otherwise, it shall become a law as if he had signed it.

53. The Legislative Assembly may request the presence of the Chief Executive, Vice- Chief Executive, Cabinet members or their deputies, as the rules shall provide, for questioning on matters falling within the scope of their assigned powers and functions.

55. The Chief Executive shall submit to the Legislative Assembly not later than two (2) months before the beginning of every regular session, as the basis of the regional appropriations bill, a budget of expenditures and sources of financing, including receipts from existing and proposed revenue measures.

57. The Legislative Assembly may not increase the appropriations recommended by the Chief Executive for the operation of the Autonomous Government as specified in the budget. [...]

58. The Chief Executive shall have the power to veto any particular item or items in an appropriation or revenue bill, but the veto shall not affect the item or items to which he does not object. The veto may be reconsidered by the Assembly by a vote of two thirds (2/3) of all its Members.

Page 19-20; III. The New Regional Autonomous Government (Phase II); A. Executive Council, Legislative Assembly, Administrative System and Representation in the National Government Executive Council; General Principles

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Executive Branch
Reform

	<p>65. It shall be policy of the National Government that there shall be at least one (1) member of the Cabinet (with the rank of Department Secretary) who is an inhabitant of the Autonomous Region to be recommended by the Head of the Autonomous Government.</p> <p>66. It shall likewise be a policy that there shall be at least one (1) official in each of the departments and the constitutional bodies of the national government who shall be appointed in executive, primarily confidential, highly technical policy-determining positions, from among the inhabitants of the Autonomous Region upon recommendation by the Head of the Autonomous Government. The Head of the Autonomous Government shall participate as ex-officio member of the National Security Council on all matters concerning the Autonomous Region and such other matters as may be determined by the President.</p>
<p>tr_jud Judiciary Reform</p>	<p>Page 13; III. The New Regional Autonomous Government (Phase II); A. Executive Council, Legislative Assembly, Administrative System and Representation in the National Government Executive Council</p> <p>27. The Regional Legislative Assembly shall exercise legislative power for application in the area of autonomy except on the following matters, to wit: [...]</p> <p>e. Administration of Justice except on matters pertaining to Shari'ah;</p> <p>Page 20-21; III. The New Regional Autonomous Government (Phase II); A. Executive Council, Legislative Assembly, Administrative System and Representation in the National Government Executive Council; Judicial</p> <p>69. It shall be a policy of the National Government that at least one (1) justice in the Supreme Court and at least two (2) in the Court of Appeals shall come from the Autonomous Region. For this purpose, the Head of the Autonomous Government may submit the names of his recommendees to the Judicial and Bar Council for consideration. This is without prejudice to the appointment of qualified inhabitants of the Autonomous Region to other positions in the judiciary in accordance with their merits and qualifications.</p> <p>70. The GRP shall endeavour to cause the appointment, as a member of the Judicial and Bar Council, a qualified person to be recommended by the Head of the Regional Autonomous Government.</p> <p>71. The GRP shall request the Supreme Court to create the Office of the Deputy Court Administrator for the Area of Autonomy, and to appoint thereto a qualified person recommended by the Head of the Regional Autonomous Government.</p> <p>Page 34; III. The New Regional Autonomous Government (Phase II); E. Shari'ah and Judiciary</p> <p>152. The Regional Legislative Assembly of the area of autonomy shall establish Shari'ah Courts in accordance with the existing laws.</p>
<p>tr_adm Public Administration Reform</p>	<p>Page 8; II. Transitional Period (Phase I)</p> <p>Phase I shall be implemented as follows: [...]</p> <p>18. The powers and functions of the Council shall be as follows: [...]</p> <p>f. To cause the creation of such offices or instrumentalities as shall be necessary for the effective and efficient administration of the affairs of the areas. There shall be approval from the Office of the President for budgetary purposes.</p> <p>Page 13; III. The New Regional Autonomous Government (Phase II); A. Executive Council, Legislative Assembly, Administrative System and</p>

**Representation in the National Government Executive Council;
Legislative Council**

27. The Regional Legislative Assembly shall exercise legislative power for application in the area of autonomy except on the following matters, to wit:
[...]

j. General Auditing, Civil Service and Elections;

32. The Legislative Assembly shall elect from among its members a Speaker and such other officers as the rules may provide. The Speaker shall appoint the personnel of the administrative organization of the Legislative Assembly.

33. The powers, functions, responsibilities and structure of the different Departments, agencies, bureaus, offices and instrumentalities of the regional government including regional government-owned-and-controlled corporations in the areas of the autonomy shall be prescribed and defined by the Regional Legislative Assembly.

Page 21; III. The New Regional Autonomous Government (Phase II); A. Executive Council, Legislative Assembly, Administrative System and Representation in the National Government Executive Council; Civil Service Eligibilities

72. The civil service eligibility requirements for appointment to government position shall be applicable in the Autonomous Government. As necessary, the Civil Service Commission shall hold special civil service examinations in the region to further increase the number of eligibles therein. For a period not longer than five (5) years from the establishment of the Regional Autonomous Government, the GRP will endeavour to provide for appropriate civil service eligibility to applicants in the Autonomous Region, provided, the minimum educational qualifications for the position are met.

Page 23-24; III. The New Regional Autonomous Government (Phase II); B. The Establishment of the Special Regional Security Force for the Autonomous Region (Phase II of the Implementation of the Tripoli Agreement)

Organization of the PNP Regional Command for the Autonomous Region/SRSF

78. It shall be civilian in nature or character.

79. It shall be regional in scope of operations.

80. It shall be headed by a Regional Director who shall be assisted by two (2) Deputies, one (1) for Administration and one (1) for Operations.

81. It shall have regional, provincial, and city or municipal offices.

82. At the provincial level, there shall be a provincial office, headed by a Provincial Director.

83. At the city or municipal level, there shall be an office/station which shall be headed by a Chief of Police.

Powers of the Head of the Regional Autonomous Government over the PNP Regional Command for the Autonomous Region/SRSF

86. Employ/deploy the elements of the Regional Command through the Regional Director.

87. Assign/reassign officers and other personnel through the Regional Director.

89. Oversee the preparation and implementation of the integrated regional public safety plan.

90. Impose, after due notice and summary hearings of citizen's complaints, administrative penalties on personnel of the Regional Command except Presidential Appointees.

Page 26-27; III. The New Regional Autonomous Government (Phase II); C. Education; Administration of Educational System

104. The management and control, and supervision of the entire educational system in the area of autonomy shall be the primary concern of the Regional Autonomous Government, consistent with the declared policies of national educational bodies. The national education bodies shall monitor compliance by the regional educational system with national educational policies, standards and regulations in collaboration with the educational authorities of the autonomous region. The head of the educational system of the Regional Autonomous Government shall have the right to participate in policy and decision making activities of the national educational bodies.

105. The Regional Autonomous Government shall be represented in the Board of SUCs in the region as co-chairman or at least, co-vice-chairman, as may be provided by law. Appointment to SUC Boards shall be made by the President of the Philippines.

106. The Regional Autonomous Government will be responsible for specific administrative, management functions and powers, educational supervision and school administration, and regulation over private schools.

107. The organizational structure of the educational system in the autonomous region shall follow the basic structure of the national educational system. The Regional Legislative Assembly may add special structures, if necessary. It shall follow whatever organizations of the curricular years as found in the national set-up.

109. The selection, recruitment, appointment and promotion of teachers and employees shall be the responsibility of the Regional Autonomous Government in accordance with general qualification standard prescribed by the Civil Service Commission (CSC) provided that the Regional Autonomous Government can initiate regionally defined standards which are not below national standards.

110. The selection, recruitment, appointment and promotion of elementary, secondary and tertiary education employees shall be the responsibility of the Regional Autonomous Government in accordance with general standards of the Civil Service Commission (CSC) and other recognized bodies.

111. Primary disciplinary authority over officials and employees of the Regional Autonomous Government will be the area of concern of the Regional Autonomous Government in accordance with Civil Service Commission (CSC) rules and regulations. Administrative sanctions deemed appropriate and reasonable as determined by the Civil Service Commission will be the area of concern of the Regional Autonomous Government.

Page 29; III. The New Regional Autonomous Government (Phase II); C. Education; Non-formal Education and Specialized Education

123. The Regional Autonomous Government educational system will handle, by administrative arrangement with the national DECS, CHED, and TESDA scholarship programs, both local and foreign, including those provided by the autonomous region pursuant to the provision of existing laws.

Page 9-11; II. The Transitional Period (Phase I)

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Military Reform

Phase I shall be implemented as follows:
[...]

19. The joining of the MNLF elements with the Philippine National Police (PNP) and the Provision of Security Protection for Certain Officials of the Southern Philippines Council for Peace and Development:
[...]

c. The concerned officials of the Council (e.g. the Chairman and his Deputies) shall be provided security and protective assistance by the national government, as the security situation warrants and as part of confidence building measures. An AFP/PNP security detail shall be immediately and particularly assigned to the Council. This special AFP/PNP security detail shall be composed of former MNLF regulars who shall have been granted AFP or PNP appointments and duly integrated into the AFP or PNP. This security detail shall be of appropriate size in accordance with the needs of the situation, without prejudice to augmentation by regular AFP or PNP units as the need arises and in coordination with the AFP and PNP commanders concerned. This security detail which shall not be utilized for law enforcement, but solely for the security and protection of SPCPD officials concerned, shall conduct themselves in accordance with existing policies and regulations in order to prevent undue alarm to the population during movements of concerned officials.

d. To have good coordination between the AFP and PNP on the one hand and the SPCPD on the other, a liaison system will be set up composed of the AFP, PNP and SPCPD senior officials.

e. The joining of the MNLF forces with the Armed Forces of the Philippines (AFP):

a. Five thousand seven hundred fifty (5,750) MNLF members shall be integrated into the Armed Forces of the Philippines (AFP), 250 of whom shall be absorbed into the auxiliary services. The government shall exert utmost efforts to establish the necessary conditions that would ensure the eventual integration of the maximum number of the remaining MNLF forces into the Special Regional Security Force (SRSF) and other agencies and instrumentalities of the government. There shall be a special socioeconomic, cultural and educational program to cater to MNLF forces not absorbed into the AFP, PNP and the SRSF to prepare them and their families for productive endeavors, provide for educational, technical skills and livelihood training and give them priority for hiring in development projects.

b. In the beginning, the MNLF forces will join as units distinct from AFP units. They will be initially organized into separate units within a transition period, until such time that mutual confidence is developed as the members of these separate units will be gradually integrated into regular AFP units deployed in the area of the autonomy. Subject to existing laws, policies, rules and regulations, the appropriate authorities shall waive the requirements and qualifications for entry of MNLF forces into the AFP.

c. One from among the MNLF will assume the functions and responsibilities of a Deputy Commander of the Southern Command, AFP, for separate units that will be organized out of the MNLF forces joining the AFP. The Deputy Commander will assist the Commander of the Southern Command, AFP in the command, administration and control of such separate units throughout the aforementioned transition period. The Deputy Commander will be given an appointment commensurate to his position and shall be addressed as such.

d. The government recognizes the skills, capabilities and achievements of the MNLF and its capacity to develop its members for the highest echelons of military and civilian leadership. The ranks and grades of MNLF forces joining AFP shall be subject to the decision of the President in his capacity as Commander-in-Chief of the AFP along the principles of universality, non-discrimination, equity and preferential treatment for the poor and underprivileged.

e. The government shall take affirmative measures to continually improve the capabilities of those MNLF forces joining the AFP to enhance their opportunities for professional advancement in the military service. It shall undertake initiatives to provide professional training and military schooling in foreign countries to former MNLF members absorbed into the AFP inconsonance with the education and training programmes with the AFP.

f. All other matters regarding the joining of MNLF forces into the AFP not expressly covered by this Agreement shall be prescribed by the President in his capacity as Commander-in-Chief of the AFP.

Page 3; I. Implementing Structure and Mechanism of this Agreement

1. Phase I shall cover a three (3) year period starting after the signing of the peace agreement with the issuance of Executive Order establishing the Special Zone of Peace and Development (SZOPAD), the Southern Philippine Council for Peace and Development (SPCPD), and the Consultative Assembly. During this phase, the process of the joining in of MNLF elements with the Armed Forces of the Philippines will start. The joining in of MNLF elements with the PNP as part of the regular police recruitment programme will also take place in this phase.

Page 9-10; II. The Transitional Period (Phase I)

Phase I shall be implemented as follows:
[...]

19. The joining of the MNLF elements with the Philippine National Police (PNP) and the Provision of Security Protection for Certain Officials of the Southern Philippines Council for Peace and Development:

a. During the transitional phase (Phase I), there shall be a program or process to allow the joining of MNLF elements into the PNP and to be part of the PNP in accordance with guidelines and procedures under existing laws. The Philippine Government shall allocate one thousand five hundred (1,500) PNP vacancies for this purpose to be filled up by MNLF elements during the transition period, and another two hundred fifty (250) items for special or auxiliary services.

b. The processing of MNLF elements will start upon the establishment of the Southern Philippines Council for Peace and Development (SPCPD). The police training programs to be undergone by the joining MNLF elements shall be as prescribed by existing laws and regulations, and shall be conducted by the PNP.

c. The concerned officials of the Council (e.g. the Chairman and his Deputies) shall be provided security and protective assistance by the national government, as the security situation warrants and as part of confidence-building measures. An AFP/PNP security detail shall be immediately and particularly assigned to the Council. This special AFP/PNP security detail shall be composed of former MNLF regulars who shall have been granted AFP or PNP appointments and duly integrated into the AFP or PNP. This security detail shall be of appropriate size in accordance with the needs of the situation, without prejudice to augmentation by regular AFP or PNP units as the need arises and in coordination with the AFP and PNP commanders concerned. This security detail which shall not be utilized for law enforcement, but solely for the security and protection of SPCPD officials concerned, shall conduct themselves in accordance with existing policies and regulations in order to prevent undue alarm to the population during movements of concerned officials.

d. To have good coordination between the AFP and PNP on the one hand and the SPCPD on the other, a liaison system will be set up composed of the AFP, PNP and SPCPD senior officials.

Page 21-23; III. The New Regional Autonomous Government (Phase II); B. The Establishment of the Special Regional Security Force for the Autonomous Region (Phase II of the Implementation of the Tripoli Agreement); General Principles

73. When the new regular Autonomous Regional Government shall have been established, there shall be created or constituted a PNP Regional Command for the new Autonomous Region, which shall be the Special Regional Security Forces (SRSF) as referred to in Paragraph 8, Article III of the Tripoli Agreement.

74. The Regional Legislative Assembly may enact laws governing the PNP Regional Command for the Autonomous Region/SRSF consistent with the

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Police Reform

constitutional provision that there shall be one police force in the country which is national in scope and civilian in character.

75. The PNP Regional Command for the Autonomous Region/SRSF shall be composed of the existing PNP units in the area of autonomy, the MNLF elements and other residents of the area who may later on be recruited into the force.

76. The powers and functions of the PNP Regional Command for the Autonomous Region/SRSF, which shall be exercised within the territories covered by the Regional Autonomous Government (RAG), shall be the following:

- a. Enforce all laws and ordinances relative to the protection of lives and properties;
- b. Maintain peace and order and take all necessary steps to ensure public safety;
- c. Investigate and prevent crimes, effect the arrest of criminal offenders, bring offenders to justice and assist in their prosecution;
- d. Exercise the general powers to make arrest, search and seizure in accordance with the Constitution and pertinent laws;
- e. Detain and arrest a person for a period not beyond what is prescribed by law, informing the person so detained of all his rights under the Constitution and observing the inherent human rights of the citizens; and
- f. Perform such other duties and exercise all other functions as may be provided by law.

77. The PNP Regional Command for the Autonomous Region/SRSF shall be charged with the maintenance and preservation of peace, law and order, and protection of life, liberty and property in the region in consonance with the Constitution.

Page 23; III. The New Regional Autonomous Government (Phase II); B. The Establishment of the Special Regional Security Force for the Autonomous Region (Phase II of the Implementation of the Tripoli Agreement); Organization of the PNP Regional Command for the Autonomous Region/SRSF

78. It shall be civilian in nature or character.

79. It shall be regional in scope of operations.

80. It shall be headed by a Regional Director who shall be assisted by two (2) Deputies, one (1) for Administration and one (1) for Operations.

81. It shall have regional, provincial, and city or municipal offices.

82. At the provincial level, there shall be a provincial office, headed by a Provincial Director.

83. At the city or municipal level, there shall be an office/station which shall be headed by a Chief of Police.

Page 23-24; III. The New Regional Autonomous Government (Phase II); B. The Establishment of the Special Regional Security Force for the Autonomous Region (Phase II of the Implementation of the Tripoli Agreement); Powers of the Head of the Regional Autonomous Government over the PNP Regional Command for the Autonomous Region/SRSF

84. Act as the Deputy of the National Police Commission (NAPOLCOM) in the region and shall be the ex-officio Chairman of the Regional Police Commission (REPOLCOM).

85. Exercise operational control and general supervision and disciplinary powers.

86. Employ/deploy the elements of the Regional Command through the Regional Director.

87. Assign/reassign officers and other personnel through the Regional Director.

88. Recommend to the President the appointment of the Regional Director and his two (2) Deputies.

89. Oversee the preparation and implementation of the integrated regional public safety plan.

90. Impose, after due notice and summary hearings of citizen's complaints, administrative penalties on personnel of the Regional Command except Presidential Appointees.

Page 24; III. The New Regional Autonomous Government (Phase II); B. The Establishment of the Special Regional Security Force for the Autonomous Region (Phase II of the Implementation of the Tripoli Agreement); Creation of the Regional Police Commission

91. There shall be created a Regional Police Commission (REPOLCOM) by the Regional Legislative Assembly consistent with the Constitution.

92. The REPOLCOM shall be under the supervision of the NAPOLCOM.

93. The Chairman of REPOLCOM shall be an ex-officio Commissioner of the NAPOLCOM.

Page 24-29; III. The New Regional Autonomous Government (Phase II); C. Education

The Integrated System of Education

94. The Regional Autonomous Government shall have an educational component comprising of existing schools, colleges and universities in the present area of autonomy and such other schools and institutions in the future expanded area of autonomy, with the possible inclusion of state universities and colleges (SUCs) to be decided later on. The relationship of the Regional Autonomous Government educational body with the national educational system shall be that of a system and sub-system with emphasis on the autonomy of the sub-system. In the event that SUCs should be included as part of the educational component of the Regional Autonomous Government, the autonomous government recognizes the fiscal autonomy and academic freedom of the SUCs as mandated by their respective charters.

95. The Regional Autonomous Government educational system shall, among others, perpetuate Filipino and Islamic ideals and aspirations, Islamic values and orientations of the Bangsamoro people. It shall develop the total spiritual, intellectual, social, cultural, scientific and physical aspects of the Bangsamoro people to make them God-fearing, productive, patriotic citizens, conscious of their Filipino and Islamic values and Islamic cultural heritage under the aegis of a just and equitable society.

The Structure of Education System

96. The elementary level shall follow the basic national structure and shall primarily be concerned with providing basic education; the secondary level will correspond to four (4) years of high school, and the tertiary level shall be one year to three (3) years for non-degree courses and four (4) to eight (8) years for degree courses, as the case may be in accordance with existing laws.

Curriculum

97. The Regional Autonomous Government educational system will adopt the basic core courses for all Filipino children as well as the minimum required learnings and orientations provided by the national government, including the subject areas and their daily time allotment. Teaching materials and curriculum contents shall promote solidarity, unity in diversity, Filipino and Islamic values.

98. The addition of more required learnings and instructional materials shall be the prerogative and responsibility of the Autonomous Government.

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Education Reform

99. The minimum requirements and standards prescribed by Department of Education Culture and Sports (DECS), Commission on Higher Education (CHED) and Technical Education and Skills Development Authority (TESDA) will be followed by the Autonomous Region.

100. The same textbooks of the National Government will be used by schools in the Autonomous Region. The formulation, shaping and revision of textbooks are the responsibilities of the Regional Autonomous Government and the National Government and within agreed norms, academic freedom and relevant legal limits, the formulation and revisions shall emphasize Islamic values or orientation, in addition to Filipino values which include Christian values and values of indigenous people, modern sciences and technology as well as the latest educational thrusts. Having adopted the core curriculum of the national government in consideration of achieving the highest quality of education, students and graduates of the education system of the Autonomous Region shall be fully accredited when they transfer to non autonomous regions.

101. The integration of Islamic Values in the curriculum should be done gradually after researches and studies are conducted.

102. The teachings of Islamic Values, as well as Filipino values, shall be incorporated in Good Manners and Right Conduct in appropriate grade levels including the tertiary level subject to agreed norms, academic freedom, and legal limitations.

103. Muslim culture, mores, customs and traditions which are mainly based on Islam, as well as the cultures, mores, customs, and traditions of Christians and indigenous people, shall be preserved through the regular public and special schools in the Autonomous Region, considering that schools are perpetuating vehicles of the values of the people.

Administration of Educational System

104. The management and control, and supervision of the entire educational system in the area of autonomy shall be the primary concern of the Regional Autonomous Government, consistent with the declared policies of national educational bodies. The national education bodies shall monitor compliance by the regional educational system with national educational policies, standards and regulations in collaboration with the educational authorities of the autonomous region. The head of the educational system of the Regional Autonomous Government shall have the right to participate in policy and decision making activities of the national educational bodies.

105. The Regional Autonomous Government shall be represented in the Board of SUCs in the region as co-chairman or at least, co-vice-chairman, as may be provided by law. Appointment to SUC Boards shall be made by the President of the Philippines.

106. The Regional Autonomous Government will be responsible for specific administrative, management functions and powers, educational supervision and school administration, and regulation over private schools.

107. The organizational structure of the educational system in the autonomous region shall follow the basic structure of the national educational system. The Regional Legislative Assembly may add special structures, if necessary. It shall follow whatever organizations of the curricular years as found in the national set-up.

108. Locally funded programs will be the responsibility of the Regional Autonomous Government.

109. The selection, recruitment, appointment and promotion of teachers and employees shall be the responsibility of the Regional Autonomous Government in accordance with general qualification standard prescribed by the Civil Service Commission (CSC) provided that the Regional Autonomous Government can initiate regionally-defined standards which are not below national standards.

110. The selection, recruitment, appointment and promotion of elementary, secondary and tertiary education employees shall be the responsibility of the Regional Autonomous Government in accordance with general standards of the Civil Service Commission (CSC) and other recognized bodies.

111. Primary disciplinary authority over officials and employees of the Regional Autonomous Government will be the area of concern of the Regional Autonomous Government in accordance with Civil Service Commission (CSC) rules and regulations. Administrative sanctions deemed appropriate and reasonable as determined by the Civil Service Commission will be the area of concern of the Regional Autonomous Government.

Religious Instruction

112. Religious instruction in public schools should be optional, with the written consent of the parent/guardian, taught by the authorities of the religion to which the student belongs, and should not involve additional costs to the government in accordance with national policies.

Medium of Instruction

113. Filipino and English shall be the medium of instruction in the areas of the Autonomy; provided that Arabic shall be an auxiliary medium of instruction.

114. Regional languages may be used as auxiliary official languages in the region as well as auxiliary medium of instruction and communication.

115. Arabic shall be recognized as a medium of instruction in Madaris (schools) and other Islamic institutions.

116. Arabic shall be taught as a subject in all appropriate grade levels as presently required in the existing laws for Muslims, and optional, for non-Muslims.

Madrasa Education

117. Existing Madaris, including Madaris Ulya shall be under the Regional Autonomous Government educational system as presently organized in the area of autonomy.

118. Madaris teachers shall receive compensation out of the funds of the Regional Autonomous Government provided they are employed in the public schools.

Non-formal Education and Specialized Education

119. The Regional Autonomous Government educational system shall develop the full potentials of its human resources, respond positively to changing needs and conditions and needs of the environment, and institutionalize non-formal education.

120. The educational system shall respond positively and effectively to the changing needs and conditions of the times as well as regional and national needs of the environment through the proper use of the latest educational technology, development, planning, monitoring, evaluation, and appropriate and timely educational intervention as well as linkages with national and international institutions.

121. The Regional Autonomous Government educational system shall institutionalize non-formal education in scope and methodology, to include literacy, numeracy and intensive skills training of the youth and adult, to allow them to participate actively and productively in the mainstream of regional and national life.

Scholarship Grants and Assistance

122. Universities and colleges in the areas of autonomy may seek and receive overseas donations for educational purposes.

123. The Regional Autonomous Government educational system will handle, by administrative arrangement with the national DECS, CHED, and TESDA

scholarship programs, both local and foreign, including those provided by the autonomous region pursuant to the provision of existing laws.

124. Disadvantaged but deserving students will be given financial assistance by the Regional Autonomous Government out of funds given by the national government for the purpose and from other sources of funds.

Funds for Education

125. Funds for education constituting the share of the Regional Autonomous Government as contained in the General Appropriations Act should be given directly to the Autonomous Government.

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Media Reform

Page 3; I. Implementing Structure and Mechanism of this Agreement

1. Phase I shall cover a three (3) year period starting after the signing of the peace agreement with the issuance of Executive Order establishing the Special Zone of Peace and Development (SZOPAD), the Southern Philippine Council for Peace and Development (SPCPD), and the Consultative Assembly. During this phase, the process of the joining in of MNLF elements with the Armed Forces of the Philippines will start. The joining in of MNLF elements with the PNP as part of the regular police recruitment programme will also take place in this phase.

Page 9-11; II. The Transitional Period (Phase I)

Phase I shall be implemented as follows:
[...]

19. The joining of the MNLF elements with the Philippine National Police (PNP) and the Provision of Security Protection for Certain Officials of the Southern Philippines Council for Peace and Development:

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Demobilization,
Disarmament &
Reintegration

a. During the transitional phase (Phase I), there shall be a program or process to allow the joining of MNLF elements into the PNP and to be part of the PNP in accordance with guidelines and procedures under existing laws. The Philippine Government shall allocate one thousand five hundred (1,500) PNP vacancies for this purpose to be filled up by MNLF elements during the transition period, and another two hundred fifty (250) items for special or auxiliary services.

b. The processing of MNLF elements will start upon the establishment of the Southern Philippines Council for Peace and Development (SPCPD). The police training programs to be undergone by the joining MNLF elements shall be as prescribed by existing laws and regulations, and shall be conducted by the PNP.

c. The concerned officials of the Council (e.g. the Chairman and his Deputies) shall be provided security and protective assistance by the national government, as the security situation warrants and as part of confidence-building measures. An AFP/PNP security detail shall be immediately and particularly assigned to the Council. This special AFP/PNP security detail shall be composed of former MNLF regulars who shall have been granted AFP or PNP appointments and duly integrated into the AFP or PNP. This security detail shall be of appropriate size in accordance with the needs of the situation, without prejudice to augmentation by regular AFP or PNP units as the need arises and in coordination with the AFP and PNP commanders concerned. This security detail which shall not be utilized for law enforcement, but solely for the security and protection of SPCPD officials concerned, shall conduct themselves in accordance with existing policies and regulations in order to prevent undue alarm to the population during movements of concerned officials.

d. To have good coordination between the AFP and PNP on the one hand and the SPCPD on the other, a liaison system will be set up composed of the AFP, PNP and SPCPD senior officials.

e. The joining of the MNLF forces with the Armed Forces of the Philippines (AFP):

a. Five thousand seven hundred fifty (5,750) MNLF members shall be integrated into the Armed Forces of the Philippines (AFP), 250 of whom shall be absorbed into the auxiliary services. The government shall exert utmost efforts to establish the necessary conditions that would ensure the eventual integration of the maximum number of the remaining MNLF forces into the Special Regional Security Force(SRSF) and other agencies and instrumentalities of the government. There shall be a special socioeconomic, cultural and educational program to cater to MNLF forces not absorbed into the AFP, PNP and the SRSF to prepare them and their families for productive endeavors, provide for educational, technical skills and livelihood training and give them priority for hiring in development projects.

b. In the beginning, the MNLF forces will join as units distinct from AFP units. They will be initially organized into separate units within a transition period, until such time that mutual confidence is developed as the members of these separate units will be gradually integrated into regular AFP units deployed in the area of the autonomy. Subject to existing laws, policies, rules and regulations, the appropriate authorities shall waive the requirements and qualifications for entry of MNLF forces into the AFP.

c. One from among the MNLF will assume the functions and responsibilities of a Deputy Commander of the Southern Command, AFP, for separate units that will be organized out of the MNLF forces joining the AFP. The Deputy Commander will assist the Commander of the Southern Command, AFP in the command, administration and control of such separate units throughout the aforementioned transition period. The Deputy Commander will be given an appointment commensurate to his position and shall be addressed as such.

d. The government recognizes the skills, capabilities and achievements of the MNLF and its capacity to develop its members for the highest echelons of military and civilian leadership. The ranks and grades of MNLF forces joining AFP shall be subject to the decision of the President in his capacity as Commander-in-Chief of the AFP along the principles of universality, non-discrimination, equity and preferential treatment for the poor and underprivileged.

e. The government shall take affirmative measures to continually improve the capabilities of those MNLF forces joining the AFP to enhance their opportunities for professional advancement in the military service. It shall undertake initiatives to provide professional training and military schooling in foreign countries to former MNLF members absorbed into the AFP in consonance with the education and training programmes with the AFP.

f. All other matters regarding the joining of MNLF forces into the AFP not expressly covered by this Agreement shall be prescribed by the President in his capacity as Commander-in-Chief of the AFP.

Page 3-4; I. Implementing Structure and Mechanism of this Agreement

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Transitional
Timeline

1. Phase I shall cover a three (3) year period starting after the signing of the peace agreement with the issuance of Executive Order establishing the Special Zone of Peace and Development (SZOPAD), the Southern Philippine Council for Peace and Development (SPCPD), and the Consultative Assembly. During this phase, the process of the joining in of MNLF elements with the Armed Forces of the Philippines will start. The joining in of MNLF elements with the PNP as part of the regular police recruitment programme will also take place in this phase.

2. Phase II shall involve an amendment to or repeal of the Organic Act (RA 6734) of the Autonomous Region in Muslim Mindanao (ARMM) through Congressional action, after which the amendatory law shall be submitted to the people of the concerned areas in a plebiscite to determine the

establishment of a new autonomous government and the specific area of autonomy thereof.

a. While peace and development programs are being implemented in the SZOPAD, a bill to amend or repeal the RA 6734 shall be initiated within Phase I (1996-1997). The bill shall include the pertinent provisions of the final Peace Agreement and the expansion of the present ARMM area of autonomy. After a law shall have been passed by Congress and approved by the President, it shall be submitted to the people for approval in a plebiscite in the affected areas, within two (2) years from the establishment of the SPCPD (1998).
[...]

Page 4-11; II. The Transitional Period (Phase I)

Phase I shall be implemented as follows:
[...]

Page 11-35; III. The New Regional Autonomous Government (Phase II)

The following provisions shall be implemented after a law amending or repealing the Organic Act of ARMM shall have been enacted by Congress and approved by the people in the concerned areas in a plebiscite therefore. Accordingly, these provisions shall be recommended by the GRP to Congress for incorporation in the amendatory or repealing law.

A. Executive Council, Legislative Assembly, Administrative System and Representation in the National Government Executive Council
[...]

B. The Establishment of the Special Regional Security Force for the Autonomous Region (Phase II of the Implementation of the Tripoli Agreement) General Principles
[...]

C. Education
[...]

D. The Economic and Financial System, Mines and Minerals
[...]

E. Shari'ah and Judiciary
[...]

F. Totality Clause
[...]

G. Effectivity Clause
[...]

Page 8; II. The Transitional Period (Phase I)

Phase I shall be implemented as follows:
[...]

18. The powers and functions of the Council shall be as follows:
[...]

e. To assist in the preparation for the holding of elections, referenda or plebiscite and people's initiative in the area as may be duly deputized by the Commission on Elections (COMELEC);

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Electoral & Political
Party Reform

Page 11-15; III. The New Regional Autonomous Government (Phase II)

The following provisions shall be implemented after a law amending or repealing the Organic Act of ARMM shall have been enacted by Congress and approved by the people in the concerned areas in a plebiscite therefore. Accordingly, these provisions shall be recommended by the GRP to Congress for incorporation in the amendatory or repealing law.

A. Executive Council, Legislative Assembly, Administrative System and Representation in the National Government

Executive Council

21. Executive power shall be vested in the Head of the regular Autonomous Government duly elected at large by direct vote of the people of the Autonomous Region. There shall also be a Vice Head of the Regional Autonomous Government also elected in the same manner. The Head of the Regional Autonomous Government may appoint three (3) Deputies. The Head, the Vice-Head and the three (3) Deputies shall comprise the Executive Council of the area of Autonomy.

Legislative Council

24. The Legislative Assembly shall be composed of members elected by popular vote, with three (3) members elected from each of the Congressional Districts.

26. The people's initiative, by way of a plebiscite or referendum, is recognized.

31. In case of vacancy in the Legislative Assembly occurring at least one year before the expiration of the term of office, a special election shall be called to fill the vacancy in the manner prescribed by law; provided that the member elected shall serve for the unexpired term.

34. No person shall be elected member of the Legislative Assembly unless he/she is:

- a. A natural-born citizen of the Philippines;
- b. At least 21 years of age on the day of elections;
- c. Able to read and write;
- d. A registered voter of the district in which he/she shall be elected on the day he/she files his/ her certificate of candidacy; and
- e. A resident thereof for a period of no less than five years immediately preceding the day of election.

Page 3; I. Implementing Structure and Mechanism of this Agreement

1. Phase I shall cover a three (3) year period starting after the signing of the peace agreement with the issuance of Executive Order establishing the Special Zone of Peace and Development (SZOPAD), the Southern Philippine Council for Peace and Development (SPCPD), and the Consultative Assembly. [...]

2. [...]

a. While peace and development programs are being implemented in the SZOPAD, a bill to amend or repeal the RA 6734 shall be initiated within Phase I (1996-1997). [...]

Page 4-10; II. The Transitional Period (Phase I)

Phase I shall be implemented as follows:

3. There shall be established a Special Zone of Peace and Development in the Southern Philippines (SZOPAD) covering the provinces of Basilan, Sulu, Tawi-Tawi, Zamboanga del Sur, Zamboanga del Norte, North Cotabato, Maguindanao, Sultan Kudarat, Lanao del Norte, Lanao del Sur, Davao del Sur, South Cotabato, Sarangani and Palawan and the cities of Cotabato, Dapitan, Dipolog, General Santos, Iligan, Marawi, Pagadian, Zamboanga and Puerto Princesa. Within the next three (3) years, these areas shall be the focus of intensive peace and development efforts. Public and private investments shall be channeled to these areas to spur economic activities and uplift the conditions of the people therein.

4. There shall be established a Southern Philippines Council for Peace and Development (SPCPD), composed of one (1) Chairman, one (1) Vice Chairman and three (3) Deputies, one each representing the Muslims, the Christians, and the Cultural Communities. They shall be appointed by the President.

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Socio-Economic
Development

[...]

7. Appropriate agencies of the government that are engaged in peace and development activities in the area, such as but not limited to the Southern Philippines Development Authority (SPDA), shall be placed under the control and/or supervision of the Council as its implementing agencies to ensure that peace and development projects and programs are effectively accomplished. Based on the foregoing, the following agencies or entities will be placed under the control and/or supervision of the SPCPD, to wit

a. The Southern Philippines Development Authority (SPDA) may be attached to the SPCPD and be placed under the latter's direct supervision insofar as SPDA offices and projects in the SZOPAD are concerned. The SPCPD can exercise a further degree of control over SPDA by allowing the Council to submit recommendees to the President for appointment as officials of SPDA;

b. The Regional and Field Offices of the Office of Muslim Affairs (OMA) which are situated and operating within the Special Zone of Peace and Development (SZOPAD), shall be placed under the direct supervision of SPCPD, provided that the coordination, linkages and complementation between the central OMA and SPCPD shall be defined by a Presidential issuance;

c. The Regional and Field Offices of the Office of Southern Cultural Communities (OSCC) which are situated and operating within the Special Zone of Peace and Development (SZOPAD), shall be placed under the direct supervision of SPCPD, provided that the coordination, linkages and complementation between the central OSCC and SPCPD shall be defined by a Presidential issuance;

d. Task Force Basilan, which shall be reorganized into the Basilan Development Task Force, to undertake development activities in Basilan shall be placed under the control and supervision of SPCPD;

e. Task Force MALMAR, to be reorganized into the Central Mindanao Development Task Force, to undertake development activities in Central Mindanao shall be placed under the control and supervision of SPCPD;

f. Sulu Development Task Force, an interagency task force that shall be organized to undertake development projects in Sulu shall be placed under the control and supervision of SPCPD; and

g. Special Development Planning Group, this is an ad hoc body composed of staff officers and planning experts from the Department of Trade and Industry (DTI), the National Economic and Development Authority (NEDA), the Department of Public Works and Highways (DPWH) and other concerned agencies which could be organized to support directly the staff planning requirements, shall be placed under SPCPD.

The foregoing enumeration of agencies or entities shall not preclude the President from exercising his power or discretion to delegate, subject to existing laws, certain powers or functions to the SPCPD, or to place other agencies or entities under the control and/or supervision of the latter.

8. The SPCPD, in consultation with the Consultative Assembly, utilizing the funds from the National Government, shall monitor, promote and coordinate the development efforts in the area, including the attraction of foreign investment, specially from OIC member countries and the Association of South East Asian Nations (ASEAN).

[...]

15. The funds for the operations of the Council and the Assembly shall be initially sourced from the funds of the Office of the President. Funding for development programs and projects shall come from the appropriations of Congress as may be drawn from the General Appropriations Act. A supplementary budget for the year 1996 will be recommended to Congress for the purpose.

[...]

18. The powers and functions of the Council shall be as follows:

[...]

b. To focus on peace and development efforts more particularly in the depressed areas and cause the implementation of peace and development projects;

[...]

19. The joining of the MNLF elements with the Philippine National Police (PNP) and the Provision of Security Protection for Certain Officials of the Southern Philippines Council for Peace and Development:

[...]

e. The joining of the MNLF forces with the Armed Forces of the Philippines (AFP):

a. [...] There shall be a special socioeconomic, cultural and educational program to cater to MNLF forces not absorbed into the AFP, PNP and the SRSF to prepare them and their families for productive endeavors, provide for educational, technical skills and livelihood training and give them priority for hiring in development projects.

Page 20; III. The New Regional Autonomous Government (Phase II); A. Executive Council, Legislative Assembly, Administrative System and Representation in the National Government; General Principles

67. Government-Owned and Controlled Corporations (GOCCs) or institutions and their subsidiaries in the area of autonomy: where Government-Owned and Controlled Corporations (GOCCs) are operating mainly or with a subsidiary in the area of autonomy, as a policy, the Regional Autonomous Government shall be given some representations in the Board of Directors or in the policy-making body of said GOCCs or their subsidiaries consistent with their respective charters.

Page 29-34; III. The New Regional Autonomous Government (Phase II); D. The Economic and Financial System, Mines and Minerals

126. The Regional Autonomous Government in the area of autonomy shall establish its own Regional Economic and Development Planning Board chaired by the Head of Government in the area of autonomy. The Board shall prepare the economic development plans and programs of the Autonomous Government.

127. The pivotal role of banks and other financial institutions for development in the area of autonomy is recognized.

128. The Regional Autonomous Government in the area of autonomy has the power to promote tourism as a positive instrument for development provided that the diverse cultural heritage, moral and spiritual values of the people in the area of autonomy shall be strengthened and respected.

129. The Regional Autonomous Government in the area of autonomy shall have the power to grant incentives including tax holidays within the power and resources in the area of autonomy.

133. All corporations, partnerships or business entities directly engaged in business in the area of autonomy shall pay their corresponding taxes, fees, and charges in the province, city or municipality in the area of autonomy where the establishment is doing business.

134. All corporations, partnerships or business entities whose head offices are located outside the area of autonomy, but doing business within its territorial jurisdiction, either by using, exploiting, and utilizing the land, aquatic and all natural resources therein, shall pay their income taxes corresponding to their income realized from their business operation in the area of autonomy through the province, city or municipality where their branch offices are located. In case the business establishment has no branch in the area of autonomy, such business establishment shall pay through the city or municipality where its operation is located.

136. The Regional Autonomous Government recognizes the pivotal role played by banks and other financial institutions in the economic development of the area of autonomy. Toward this end, the Autonomous Government shall:

- a. Encourage the establishment of banks and bank branches in the area of autonomy;
- b. Encourage the entry and establishment of off-shore banking units of foreign banks in the area of autonomy.

140. In the pursuit of the region's economic growth, development and welfare, the autonomous government shall have the right to formulate economic and financial policies and implement economic and financial programs, taking into account national laws and policies.

141. The Regional Autonomous Government in the area of autonomy shall encourage, promote and support the establishment of economic zones, industrial centers, and ports in strategic area and growth centers to attract local and foreign investments and business enterprise.

142. The Regional Autonomous Government in the area of autonomy shall undertake encourage, promote and support the establishment of economic zones and industrial centers. And, in order to attract local and foreign investments within the area of the zone and outside but within the area of autonomy, the government in the area of autonomy may grant incentives to investors as may be defined in an Autonomous Investment Act to be formulated by the Regional Legislative Assembly within one year from its organization.

143. The residents in the area of the autonomy shall have preferential rights over the exploration, development and utilization of natural resources in the area of autonomy respecting existing rights on the exploitation, exploration, development and utilization of natural resources.

145. The National Government shall appropriate for the area of autonomy a sufficient amount and for a period (both to be determined later) for infrastructure projects which shall be based on a development plan duly approved by the Regional Autonomous Government taking into account national policies.

146. Except strategic minerals which will be defined later, the control and supervision over the exploration, exploitation, development, utilization and protection of mines and minerals in the area of autonomy shall be vested in the Regional Autonomous Government.

147. In the regulation of the exploration, utilization, development, protection of the natural resources inclusive of mines and minerals, except strategic minerals which will be defined later, the government in the area of autonomy shall enact rules and regulations and shall impose regulatory fees, taking into account national policies.

150. The Regional Autonomous Government shall establish a body in the area of autonomy with the same powers as the Philippine Economic Zone Authority (PEZA) consistent with the Special Economic Zone Act of 1995.

151. All current year collections of internal revenue taxes within the area of autonomy shall, for a period of five (5) years, be allotted for the Regional Autonomous Government (RAG) in the Annual General Appropriations Act; provided that:
[...]

Page 24-26; III. The New Regional Autonomous Government (Phase II); C. Education

The Integrated System of Education

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Cultural Heritage/
Protections

95. The Regional Autonomous Government educational system shall, among others, perpetuate Filipino and Islamic ideals and aspirations, Islamic values and orientations of the Bangsamoro people. It shall develop the total spiritual, intellectual, social, cultural, scientific and physical aspects of the Bangsamoro people to make them God-fearing, productive, patriotic citizens, conscious of their Filipino and Islamic values and Islamic cultural heritage under the aegis of a just and equitable society.

Curriculum

97. The Regional Autonomous Government educational system will adopt the basic core courses for all Filipino children as well as the minimum required learnings and orientations provided by the national government, including the subject areas and their daily time allotment. Teaching materials and curriculum contents shall promote solidarity, unity in diversity, Filipino and Islamic values.

100. The same textbooks of the National Government will be used by schools in the Autonomous Region. The formulation, shaping and revision of textbooks are the responsibilities of the Regional Autonomous Government and the National Government and within agreed norms, academic freedom and relevant legal limits, the formulation and revisions shall emphasize Islamic values or orientation, in addition to Filipino values which include Christian values and values of indigenous people, modern sciences and technology as well as the latest educational thrusts. Having adopted the core curriculum of the national government in consideration of achieving the highest quality of education, students and graduates of the education system of the Autonomous Region shall be fully accredited when they transfer to non-autonomous regions.

101. The integration of Islamic Values in the curriculum should be done gradually after researches and studies are conducted.

102. The teachings of Islamic Values, as well as Filipino values, shall be incorporated in Good Manners and Right Conduct in appropriate grade levels including the tertiary level subject to agreed norms, academic freedom, and legal limitations.

103. Muslim culture, mores, customs and traditions which are mainly based on Islam, as well as the cultures, mores, customs, and traditions of Christians and indigenous people, shall be preserved through the regular public and special schools in the Autonomous Region, considering that schools are perpetuating vehicles of the values of the people.

Page 29; III. The New Regional Autonomous Government (Phase II); D. The Economic and Financial System, Mines and Minerals

128. The Regional Autonomous Government in the area of autonomy has the power to promote tourism as a positive instrument for development provided that the diverse cultural heritage, moral and spiritual values of the people in the area of autonomy shall be strengthened and respected.

Page 8; II. The Transitional Period (Phase I)

Phase I shall be implemented as follows:
[...]

15. The funds for the operations of the Council and the Assembly shall be initially sourced from the funds of the Office of the President. Funding for development programs and projects shall come from the appropriations of Congress as may be drawn from the General Appropriations Act. A supplementary budget for the year 1996 will be recommended to Congress for the purpose.

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Financial Arrangements

18. The powers and functions of the Council shall be as follows:
[...]

f. To cause the creation of such offices or instrumentalities as shall be necessary for the effective and efficient administration of the affairs of the areas. There shall be approval from the Office of the President for budgetary purposes.

Page 16-19; III. The New Regional Autonomous Government (Phase II); A. Executive Council, Legislative Assembly, Administrative System and Representation in the National Government; Legislative Council

42. The Chief Executive of the Autonomous Government shall approve the budget of the Autonomous Region. If, by the end of any fiscal year, the Legislative Assembly shall have failed to pass the regional appropriations bill

for the ensuing fiscal year, the regional Appropriations Act for the preceding fiscal year shall be deemed automatically re-enacted and shall remain in force and effect until the regional appropriations bill is passed by the Legislative Assembly.

45. A special appropriations bill shall specify the purpose for which it is intended, and shall be supported by funds actually available as certified by the Regional Treasurer, or to be raised by a corresponding revenue proposal therein.

46. Discretionary funds appropriated for particular offices shall be disturbed only for public purposes to be supported by appropriate vouchers and subject to such guidelines as may be prescribed by regional law.

47. All money collected on any regional tax levied for a special purpose shall be treated as a special fund and paid out for such special purpose only. If the purpose for which a special fund was created has been fulfilled or abandoned, the balance, if any, shall accrue to the general funds of the regional government.

48. Trust funds shall only be paid out of the regional treasury upon fulfillment of the specific purpose for which said funds were created or received.

55. The Chief Executive shall submit to the Legislative Assembly not later than two (2) months before the beginning of every regular session, as the basis of the regional appropriations bill, a budget of expenditures and sources of financing, including receipts from existing and proposed revenue measures.

56. The fiscal year of the Autonomous Region shall cover the period January 1 to December 31 of the same year.

57. The Legislative Assembly may not increase the appropriations recommended by the Chief Executive for the operation of the Autonomous Government as specified in the budget. The form, content and manner of preparation of the budget shall be prescribed by regional law; provided, however, that pending the enactment of such regional law, the budgeting process shall be governed by existing national laws and rules and regulations prescribed by the Department of Budget and Management.

59. The financial accounts of the expenditures and revenues of the Autonomous Region shall be audited by the Commission on Audit.

60. No money shall be paid out of the Regional Treasury except in pursuance of an appropriation made by regional law.

**Page 27-29; III. The New Regional Autonomous Government (Phase II);
C. Education**

Administration of Educational System

108. Locally funded programs will be the responsibility of the Regional Autonomous Government.

Scholarship Grants and Assistance

124. Disadvantaged but deserving students will be given financial assistance by the Regional Autonomous Government out of funds given by the national government for the purpose and from other sources of funds.

Funds for Education

125. Funds for education constituting the share of the Regional Autonomous Government as contained in the General Appropriations Act should be given directly to the Autonomous Government.

**Page 29-34; III. The New Regional Autonomous Government (Phase II);
D. The Economic and Financial System, Mines and Minerals**

127. The pivotal role of banks and other financial institutions for development in the area of autonomy is recognized.

129. The Regional Autonomous Government in the area of autonomy shall have the power to grant incentives including tax holidays within the power and resources in the area of autonomy.

131. In enacting tax measures, the Regional Legislative Assembly shall observe the principle of uniformity and equity in taxation and shall not impose confiscatory taxes or fees of any kind.

132. The Regional Autonomous Government in the area of autonomy shall have the power to enact a Regional Tax Code and a regional Local Tax Code applicable to all local government units within the area of autonomy.

133. All corporations, partnerships or business entities directly engaged in business in the area of autonomy shall pay their corresponding taxes, fees, and charges in the province, city or municipality in the area of autonomy where the establishment is doing business.

134. All corporations, partnerships or business entities whose head offices are located outside the area of autonomy, but doing business within its territorial jurisdiction, either by using, exploiting, and utilizing the land, aquatic and all natural resources therein, shall pay their income taxes corresponding to their income realized from their business operation in the area of autonomy through the province, city or municipality where their branch offices are located. In case the business establishment has no branch in the area of autonomy, such business establishment shall pay through the city or municipality where its operation is located.

135. The Regional Autonomous Government in the area of autonomy as a corporate body, may contract domestic loans.

136. The Regional Autonomous Government recognizes the pivotal role played by banks and other financial institutions in the economic development of the area of autonomy. Toward this end, the Autonomous Government shall:

- a. Encourage the establishment of banks and bank branches in the area of autonomy;
- b. Encourage the entry and establishment of off-shore banking units of foreign banks in the area of autonomy.

138. The Regional Autonomous Government may issue its own treasury bills, bonds, promissory notes, and other debt papers in consultation and coordination with the Bangko Sentral ng Pilipinas.

139. The Regional Autonomous Government may contract foreign loans within the purview of national laws and pertinent monetary and fiscal policies.

140. In the pursuit of the region's economic growth, development and welfare, the autonomous government shall have the right to formulate economic and financial policies and implement economic and financial programs, taking into account national laws and policies.

144. The Regional Autonomous Government in the area of autonomy shall enjoy fiscal autonomy in budgeting its own revenue resources and block subsidies granted to it by the National Government and foreign donors. Budgeting includes planning, programming and disbursing of funds.

147. In the regulation of the exploration, utilization, development, protection of the natural resources inclusive of mines and minerals, except strategic minerals which will be defined later, the government in the area of autonomy shall enact rules and regulations and shall impose regulatory fees, taking into account national policies.

148. An Islamic Banking Unit shall be established in the Bangko Sentral ng Pilipinas which shall be staffed by qualified Islamic banking experts nominated by the Governor of the Regional Autonomous Government. The Governor of the Regional Autonomous Government shall nominate at least three (3) qualified persons from the area of autonomy, from which nomination the appointing authority shall appoint the Head of the Unit. The same procedure shall be observed as regards the rest of the positions in the Unit.

149. The Bangko Sentral ng Pilipinas shall have a Regional Office with full banking service in the capital of the government of the Autonomous Region to respond to the growing needs of the banking community in the area of autonomy which shall be established within one (1) year from the establishment of the Autonomous Government. The Governor of the Autonomous Government shall submit a list of qualified recommendees to the appointing authority from which the staff of the regional office may be chosen; provided that those staff who are now occupying and already appointed to positions in the regional office are considered as recommended by the Governor of the Regional Autonomous Government.

151. All current year collections of internal revenue taxes within the area of autonomy shall, for a period of five (5) years, be allotted for the Regional Autonomous Government (RAG) in the Annual General Appropriations Act; provided that:

a. The Bureau of Internal Revenue (BIR) shall continue to collect such taxes and the BIR Collection Districts/Offices concerned shall retain such collections and remit the same to the RAG through an approved depository bank within thirty (30) days from the end of each quarter of the current year;

b. Out of said internal revenue tax collections, fiftypercent (50%) of the tax collected under Section 100 (Value-added tax on sale of goods), 102 (Value-added tax on sale of services), 112 (Tax on persons exempt from value-added tax), 113 (Hotel, motels and others), and 114 (Caterers) of the National Internal Revenue Code (NIRC), as amended, in excess of the increase in collections for the immediately preceding year shall be shared by the RAG and the local government units (LGUs) within the area of autonomy as follows:

1. Twenty percent (20%) shall accrue to the city or municipality where such taxes are collected;and

2. Eighty percent (80%) shall accrue to the RAG. In all cases, the RAG shall remit to the LGUs their respective shares within sixty (60) days from the end of each quarter of the current year. Provided, however, that the provinces, cities, municipalities and barangays within the area of autonomy shall continue to receive their respective shares in the Internal Revenue Allotment (IRA), as provided for in Section 284 of the Local Government Code of 1991.

Provided, finally, that the five-year (5) periods hereinabove mentioned may be extended upon mutual agreement of the National and Regional Autonomous Governments.

tj_dsm

Dispute Settlement Mechanisms

Page 7; II. The Transitional Period (Phase I)

Phase I shall be implemented as follows:
[...]

ia_ver

Verification & Monitoring Mechanism

12. The OIC shall be requested to continue to extend its assistance and good offices in monitoring the full implementation of this agreement during the transitional period until the regular autonomous government is firmly established and for this purpose, help generate broad international support for the Zone of Peace and Development.

13. A Joint Monitoring Committee composed of members coming from the GRP and the MNLF, with the help of the OIC, shall continue to meet to review and identify agreements that can be immediately implemented, and monitor the implementation of this Agreement during Phase I.

18. The powers and functions of the Council shall be as follows:
a. To take charge in promoting, monitoring and coordinating the improvement of peace and order in the area;

ia_pko

Peacekeeping

Page 6-7; II. The Transitional Period (Phase I)

Phase I shall be implemented as follows:

[...]

8. The SPCPD, in consultation with the Consultative Assembly, utilizing the funds from the National Government, shall monitor, promote and coordinate the development efforts in the area, including the attraction of foreign investment, specially from OIC member countries and the Association of South East Asian Nations (ASEAN).

12. The OIC shall be requested to continue to extend its assistance and good offices in monitoring the full implementation of this agreement during the transitional period until the regular autonomous government is firmly established and for this purpose, help generate broad international support for the Zone of Peace and Development.

13. A Joint Monitoring Committee composed of members coming from the GRP and the MNLF, with the help of the OIC, shall continue to meet to review and identify agreements that can be immediately implemented, and monitor the implementation of this Agreement during Phase I.

ia_adv

International
Assistance &
Advice

Page 29; III. The New Regional Autonomous Government (Phase II); C. Education; Scholarship Grants and Assistance

122. Universities and colleges in the areas of autonomy may seek and receive overseas donations for educational purposes.

123. The Regional Autonomous Government educational system will handle, by administrative arrangement with the national DECS, CHED, and TESDA scholarship programs, both local and foreign, including those provided by the autonomous region pursuant to the provision of existing laws.

Page 29; III. The New Regional Autonomous Government (Phase II); D. The Economic and Financial System, Mines and Minerals

137. The Regional Autonomous Government may accept foreign financial and economic grant for the development and welfare of the people in the region.

139. The Regional Autonomous Government may contract foreign loans within the purview of national laws and pertinent monetary and fiscal policies.

144. The Regional Autonomous Government in the area of autonomy shall enjoy fiscal autonomy in budgeting its own revenue resources and block subsidies granted to it by the National Government and foreign donors. Budgeting includes planning, programming and disbursing of funds.

PEACE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SIERRA LEONE AND THE REVOLUTIONARY UNITED FRONT OF SIERRA LEONE, SIGNED AT ABIDJAN ('ABIDJAN ACCORD')

Page 2, ARTICLE 3

A national body to be known as the Commission for the Consolidation of Peace shall be established within two weeks of the signing of this Agreement. The Commission shall be a verification mechanism responsible for supervising and monitoring the implementation of and compliance with all the provisions contained in this Peace Agreement.

The Commission, in fulfilment of this task during the period of consolidating the peace, shall coordinate and facilitate the work of the following bodies which it will proceed to establish:

- (i) Socio-Economic Forum;
- (ii) Citizen's Consultative Conferences;
- (iii) Multi-partisan Council;
- (iv) Trust Fund for the Consolidation of Peace;
- (v) Demobilizations and Resettlement Committee;
- (vi) National Budget and Debt Committee.

The Commission shall comprise representatives of the Government and the Revolutionary United Front of Sierra Leone, drawing on the resources of State and civic institutions as and when necessary.

ps_pol Political Power-sharing

The Commission shall have the power to recommend the preparation of enabling measures necessary for the implementation and development of the provisions contained in this Peace Agreement. It shall have the power to issue publicly its conclusions. The parties undertake to comply with the conclusions of the Commission.

The Commission shall have the power to prepare preliminary legislative drafts necessary for the implementation and development of the provisions contained in the present Peace Agreement.

The Parties undertake to consult the Commission before taking decisions on measures relating to the present Peace Agreement.

The Commission may similarly consult the Parties at the highest level whenever it is appropriate.

The Commission shall have access to and may inspect any activity or site connected with the implementation of the present Peace Agreement. The Commission shall have full powers to organize its work in the manner in which it deems most appropriate and to appoint any group or subcommittee which it may deem useful in the discharge of its functions.

The Commission shall have its own offices, adequate communication facilities and adequate secretariat support staff.
[...]

ps_eco Economic Power-sharing

Page 5; ARTICLE 9

ps_mil Military Power-sharing

The Commission shall, as a priority, make recommendations on the restructuring and reorientation of the military as well as its leadership. In this context, members of the RUF/SL who may wish to be part of the country's military can become part of the new unified armed forces within a framework to be discussed and agreed upon by the Commission.

<p>tj_amn Amnesty</p>	<p>Page 6; ARTICLE 14</p> <p>To consolidate the peace and promote the cause of national reconciliation, the Government of Sierra Leone shall ensure that no official or judicial action is taken against any member of the RUF/SL in respect of anything done by them in pursuit of their objectives as members of that organization up to the time of the signing of this Agreement. In addition, legislative and other measures necessary to guarantee former RUF/SL combatants, exiles and other persons, currently outside the country for reasons related to the armed conflict shall be adopted ensuring the full exercise of their civil and political rights, with a view to their reintegration within a framework of full legality.</p>
<p>tj_pri Prisoner Release</p>	<p>Page 7; ARTICLE 19</p> <p>[...] All political prisoners and prisoners of war, if any, shall be released.</p>
<p>tj_hum Human Rights</p>	<p>Page 2; [Untitled Preamble]</p> <p>Committed to promoting popular participation in governance and full respect for human rights and humanitarian laws;</p> <p>Dedicated to the advancement of democratic development and to the maintenance of a socio-political order free of inequality, nepotism and corruption;</p> <p>Page 7; ARTICLE 19</p> <p>The Parties agree that the basic civil and political liberties which are recognized by the Sierra Leone legal system and are contained in the Declarations and Principles on Human Rights adopted by the United Nations and the Organization of African Unity, especially the Universal Declaration of Human Rights and the African Charter on Human and People's Rights, shall be fully guaranteed and promoted within Sierra Leone society. [...]</p> <p>Page 8; ARTICLE 21</p> <p>The Parties undertake to respect the principles and rules of international humanitarian law.</p> <p>Page 8; ARTICLE 20</p> <p>To monitor compliance with the basic rights guaranteed in the present Peace Agreement, as well as to promote human rights education throughout the various sectors of Sierra Leonean society, including schools, the media, the police and the military, an independent National Commission on Human Rights shall be established.</p> <p>[...]</p> <p>The National Commission on Human Rights shall have the power to investigate human rights violations and to institute legal proceedings where appropriate. Further, a consortium of local human rights groups shall be encouraged to help monitor human rights observance.</p> <p>Page 9; ARTICLE 25</p>

		[...] Furthermore, the professional training of the Police Force shall henceforth assure a new orientation, by emphasizing professionalism, the importance of human dignity and democratic values and respect and protection of human rights. [...]
tj_min	Indigenous & Minority Rights	
tj_wom	Women's Rights & Gender Issues	
tj_civ	Civil & Political Rights	<p>Page 6; ARTICLE 14</p> <p>[...] In addition, legislative and other measures necessary to guarantee former RUF/SL combatants, exiles and other persons, currently outside the country for reasons related to the armed conflict shall be adopted ensuring the full exercise of their civil and political rights, with a view to their reintegration within a framework of full legality.</p> <p>Page 7, ARTICLE 19</p> <p>The Parties agree that the basic civil and political liberties which are recognized by the Sierra Leone legal system and are contained in the Declarations and Principles on Human Rights adopted by the United Nations and the Organization of African Unity, especially the Universal Declaration of Human Rights and the African Charter on Human and People's Rights, shall be fully guaranteed and promoted within Sierra Leone society.</p> <p>These include the right to life and liberty, freedom from torture; the right to a fair trial, freedom of conscience, expression and association, and the right to take part in the governance of one's country.</p> <p>To foster national reconciliation and ensure the full and unrestricted participation of the RUF/SL in the political process, the RUF/SL shall enjoy:</p> <p>(i) Freedom of the press and access to the media in order that they may be heard and informed.</p> <p>(ii) Freedom of association, expression, assembly and the right to mobilize and demonstrate freely, and to communicate politically in order that they may organize effectively and set up appropriate infrastructure.</p>
tj_esc	Economic, Social & Cultural Rights	
tj_vic	Victims & Reparations	

<p>tj_ref</p>	<p>Refugees & Internally Displaced Persons</p>	
<p>tj_tru</p>	<p>Truth & Reconciliation Commission</p>	<p>Page 6; ARTICLE 15</p> <p>The mandate and membership of the existing National Unity and Reconciliation Commission shall be expanded in consultation with the Commission for the Consolidation of Peace to enable it to undertake a sustained and effective campaign of civic education aimed at enhancing national unity and reconciliation, taking into account the imperative need to heal the wounds of the conflict.</p>
<p>tj_rec</p>	<p>Reconciliation</p>	<p>Page 2; [Untitled Preamble]</p> <p>Inspired by the equally imperative need for genuine national unity and reconciliation to end the fratricidal war in Sierra Leone;</p> <p>Page 6; ARTICLE 14</p> <p>To consolidate the peace and promote the cause of national reconciliation, the Government of Sierra Leone shall ensure that no official or judicial action is taken against any member of the RUF/SL in respect of anything done by them in pursuit of their objectives as members of that organization up to the time of the signing of this Agreement. In addition, legislative and other measures necessary to guarantee former RUF/SL combatants, exiles and other persons, currently outside the country for reasons related to the armed conflict shall be adopted ensuring the full exercise of their civil and political rights, with a view to their reintegration within a framework of full legality.</p> <p>Page 6; ARTICLE 15</p> <p>The mandate and membership of the existing National Unity and Reconciliation Commission shall be expanded in consultation with the Commission for the Consolidation of Peace to enable it to undertake a sustained and effective campaign of civic education aimed at enhancing national unity and reconciliation, taking into account the imperative need to heal the wounds of the conflict.</p> <p>Page 7; ARTICLE 19</p> <p>[...] To foster national reconciliation and ensure the full and unrestricted participation of the RUF/SL in the political process, the RUF/SL shall enjoy: [...]</p> <p>Page 10-11; Annex to this Agreement</p> <p>A nationwide sensitization programme for the peace process shall be pursued by the Parties, using all available means of communication to impress upon their combatants and the nation at large: [...] - The need for reconciliation and lasting peace.</p>
<p>tj_pro</p>	<p>Protection Measures</p>	<p>Page 8; ARTICLE 22</p> <p>In the pursuit of the reconstruction, rehabilitation and socio-economic development of Sierra Leone as a matter of the utmost priority, special attention shall be given to rural and urban poor areas, war victims, disabled persons and other vulnerable groups. The Government in conjunction with the Committee for Demobilization and Resettlement shall cooperate with all political parties and movements, including the RUF/SL, to raise resources</p>

		<p>internationally for these objectives during the initial phase of the consolidation of peace.</p> <p>Page 9-10; ARTICLE 26</p> <p>It is recognized that there is a socio-economic dimension to the conflict which must also be addressed in order to consolidate the foundation of the peace. Accordingly, the socio-economic policy of Sierra Leone shall be guided among other things, by the following principles, taking into account available resources:</p> <p>[...]</p> <p>(iii) Improving the quality of life of the people through the provision of inter alia,</p> <p>[...]</p> <p>c. Improved educational services to enable all children of primary and junior-secondary school age to receive free and compulsory schooling as well as provide the opportunity for the youth and all other Sierra Leoneans to receive affordable quality education;</p> <p>[...]</p> <p>e. Provide job opportunities in a systematic and sustainable way for the people, especially the youth;</p> <p>[...]</p> <p>h. Protect the environment and regulate the exploitation of natural resources in the interest of the people, as well as prohibit monopolies;</p>
tr_con	Constitutional Reform	
tr_leg	Legislative Branch Reform	
tr_exe	Executive Branch Reform	
tr_jud	Judiciary Reform	<p>Page 8-9; ARTICLE 24</p> <p>The Parties agree that the independence of the judiciary shall be strengthened in accordance with its role of ensuring the fair and impartial dispensation of justice in a democratic order. The composition of the present Judicial and Legal Service Commission shall be determined so as to ensure the independence of the judiciary from the other organs of State as well as the political parties. Its membership shall include, in addition to judges and representatives of the legal profession and public services, representatives of other sectors of society not directly connected with the administration of justice.</p>
tr_adm	Public Administration Reform	<p>Page 3; ARTICLE 3</p> <p>A national body to be known as the Commission for the Consolidation of Peace shall be established within two weeks of the signing of this Agreement. [...]</p> <p>The Commission shall have its own offices, adequate communication facilities and adequate secretariat support staff.</p> <p>Page 6; ARTICLE 16</p>

The Parties agree that the standards of accountability, integrity and probity in the public services of Sierra Leone shall be raised. To that end, immediate steps shall be taken to establish the office of Ombudsman to promote the implementation of a professional code of ethics, and the integrity and patriotism of all public servants. It shall also seek to eradicate all forms of corruption.

Page 9; ARTICLE 25

The Police Force shall be strengthened to ensure that the rule of law is upheld throughout Sierra Leone. To that end, the present Police Force shall be vetted. Furthermore, the professional training of the Police Force shall henceforth assure a new orientation, by emphasizing professionalism, the importance of human dignity and democratic values and respect and protection of human rights. It shall, further, emphasize that the conduct of members of the Police Force shall be free from all partisan considerations of politics, ideology and social position and that the Police Force shall avoid and combat corruption.

Nominations for the Police Council will come from wider sectors of society prior to their appointment so as to ensure their truly civilian and non-partisan character.

Page 10; ARTICLE 27

A broad-based socio-economic forum, in which the RUF/SL shall participate, shall be established with a view to enriching policy formulation and execution in the socio-economic sector.

tr_mil Military Reform

Page 5; ARTICLE 9

The Commission shall, as a priority, make recommendations on the restructuring and reorientation of the military as well as its leadership. In this context, members of the RUF/SL who may wish to be part of the country's military can become part of the new unified armed forces within a framework to be discussed and agreed upon by the Commission.

Page 5; ARTICLE 10

The Government of Sierra Leone shall ensure the return to barracks of those units of the army not required for normal security duties and the downsizing of the Armed Forces of Sierra Leone (RSLMF), taking into account the security needs of the country.

tr_pol Police Reform

Page 9; ARTICLE 25

The Police Force shall be strengthened to ensure that the rule of law is upheld throughout Sierra Leone. To that end, the present Police Force shall be vetted. Furthermore, the professional training of the Police Force shall henceforth assure a new orientation, by emphasizing professionalism, the importance of human dignity and democratic values and respect and protection of human rights. It shall, further, emphasize that the conduct of members of the Police Force shall be free from all partisan considerations of politics, ideology and social position and that the Police Force shall avoid and combat corruption.

Nominations for the Police Council will come from wider sectors of society prior to their appointment so as to ensure their truly civilian and non-partisan character.

tr_edu Education Reform

Page 6; ARTICLE 15

The mandate and membership of the existing National Unity and Reconciliation Commission shall be expanded in consultation with the Commission for the Consolidation of Peace to enable it to undertake a sustained and effective campaign of civic education aimed at enhancing

	<p>national unity and reconciliation, taking into account the imperative need to heal the wounds of the conflict.</p> <p>Page 9-10; ARTICLE 26</p> <p>It is recognized that there is a socio-economic dimension to the conflict which must also be addressed in order to consolidate the foundation of the peace. Accordingly, the socio-economic policy of Sierra Leone shall be guided among other things, by the following principles, taking into account available resources: [...] (iii) Improving the quality of life of the people through the provision of inter alia, [...] c. Improved educational services to enable all children of primary and junior-secondary school age to receive free and compulsory schooling as well as provide the opportunity for the youth and all other Sierra Leoneans to receive affordable quality education;</p>
<p>tr_med</p> <p>Media Reform</p>	<p>Page 7; ARTICLE 19</p> <p>[...] To foster national reconciliation and ensure the full and unrestricted participation of the RUF/SL in the political process, the RUF/SL shall enjoy: (i) Freedom of the press and access to the media in order that they may be heard and informed.</p>
<p>tr_ddr</p> <p>Demobilization, Disarmament & Reintegration</p>	<p>Page 2-3; ARTICLE 3</p> <p>A national body to be known as the Commission for the Consolidation of Peace shall be established within two weeks of the signing of this Agreement. [...]</p> <p>The Commission, in fulfilment of this task during the period of consolidating the peace, shall coordinate and facilitate the work of the following bodies which it will proceed to establish: [...] (v) Demobilizations and Resettlement Committee;</p> <p>Page 4; ARTICLE 5</p> <p>The disarmament of combatants will be effected upon their entry into the designated assembly zones, and demobilization and reintegration as soon as practicable thereafter.</p> <p>The upkeep and welfare of the encamped combatants shall be the primary responsibility of the Government of Sierra Leone in conjunction with the Commission for the Consolidation of Peace, assisted by the international community.</p> <p>Page 4; ARTICLE 6</p> <p>The Parties commit themselves to a well-planned national effort on encampment, disarmament, demobilization and resettlement linked to national development objectives. To that end, a Demobilization and Resettlement Committee shall be established within a month of the signing of the present Peace Agreement.</p> <p>The Committee shall coordinate the encampment, disarmament, demobilization and resettlement of RUF/SL combatants. The Committee shall work in coordination with all the relevant institutions and agencies.</p> <p>Both Parties shall consult on the nomination of the membership of the Committee which shall not exceed seven persons.</p> <p>The Committee shall be provided with adequate funding.</p>

Page 4; ARTICLE 7

The Demobilization and Resettlement Committee shall identify assembly zones and camp areas for RUF/SL combatants where they shall be registered, encamped and disarmed. The movement into the Assembly Zones shall commence within one month of the signing of this Agreement and be completed as soon as practicable but no later than three months from this date.

Page 5; ARTICLE 8

The Parties shall request the international community to help supervise and monitor the encampment, disarmament, demobilization and reintegration processes. The Joint Monitoring Group shall have observers at any of these processes.

Page 6; ARTICLE 13

The Parties agree that immediately following the signing of the present Peace Agreement, the RUF/SL shall commence to function as a political movement with the rights, privileges and duties provided by law; and that within thirty days, following that, the necessary conditions shall be created to enable the RUF/SL to register as a political movement according to law.

Page 6; ARTICLE 14

[...] In addition, legislative and other measures necessary to guarantee former RUF/SL combatants, exiles and other persons, currently outside the country for reasons related to the armed conflict shall be adopted ensuring the full exercise of their civil and political rights, with a view to their reintegration within a framework of full legality.

Page 6; ARTICLE 17

The Parties shall approach the international community with a view to mobilizing resources which will be used to establish a trust fund to enable the RUF/SL to transform itself into a political party.

Page 10; Annex to this Agreement

A nationwide sensitization programme for the peace process shall be pursued by the Parties, using all available means of communication to impress upon their combatants and the nation at large:

- [...]
- The reasons for demobilization;
- The opportunities for reintegration of combatants;
- [...]

Page 2; ARTICLE 3

A national body to be known as the Commission for the Consolidation of Peace shall be established within two weeks of the signing of this Agreement. [...]

Page 4; ARTICLE 6

The Parties commit themselves to a well-planned national effort on encampment, disarmament, demobilization and resettlement linked to national development objectives. To that end, a Demobilization and Resettlement Committee shall be established within a month of the signing of the present Peace Agreement.

[...]

Page 4; ARTICLE 7

tr_tim

Transitional
Timeline

The Demobilization and Resettlement Committee shall identify assembly zones and camp areas for RUF/SL combatants where they shall be registered, encamped and disarmed. The movement into the Assembly Zones shall commence within one month of the signing of this Agreement and be completed as soon as practicable but no later than three months from this date.

Page 5; ARTICLE 12

The Executive Outcomes shall be withdrawn five weeks after the deployment of the Neutral Monitoring Group (NMG). As from the date of the deployment of the Neutral Monitoring Group, the Executive Outcomes shall be confined to barracks under the supervision of the Joint Monitoring Group and the Neutral Monitoring Group. Government shall use all its endeavours, consistent with its treaty obligations, to repatriate other foreign troops no later than three months after the deployment of the Neutral Monitoring Group or six months after the signing of the Peace Agreement, whichever is earlier.

Page 6; ARTICLE 13

The Parties agree that immediately following the signing of the present Peace Agreement, the RUF/SL shall commence to function as a political movement with the rights, privileges and duties provided by law; and that within thirty days, following that, the necessary conditions shall be created to enable the RUF/SL to register as a political movement according to law.

Page 7; ARTICLE 18

[...]

Both the Government and the RUF/SL shall, together with other political parties, nominate men and women of professionalism, integrity and objectivity to the National Electoral Commission, not later than three months after the signing of the present Peace Agreement.

[...]

Page 6; ARTICLE 13

The Parties agree that immediately following the signing of the present Peace Agreement, the RUF/SL shall commence to function as a political movement with the rights, privileges and duties provided by law; and that within thirty days, following that, the necessary conditions shall be created to enable the RUF/SL to register as a political movement according to law.

Page 6; ARTICLE 17

The Parties shall approach the international community with a view to mobilizing resources which will be used to establish a trust fund to enable the RUF/SL to transform itself into a political party.

Page 7; ARTICLE 18

The Parties agree to the principle of reforming the present electoral process in Sierra Leone. There shall, in that regard, be the full participation of citizens and their organizations in formulating electoral reforms.

The independence and integrity of the National Electoral Commission shall be guaranteed to ensure fair and acceptable electoral exercise.

In reconstituting the National Electoral Commission, the President shall consult all political parties and movements including the RUF/SL to determine the membership and terms of reference of that Commission, paying particular attention to the need for a level playing field in the nation's electoral politics.

Both the Government and the RUF/SL shall, together with other political parties, nominate men and women of professionalism, integrity and objectivity

tr_epr

Electoral & Political
Party Reform

to the National Electoral Commission, not later than three months after the signing of the present Peace Agreement.

It is hereby agreed that no member of the National Electoral Commission shall be eligible for appointment to a political office by any government formed as a result of an election they were mandated to conduct.

Page 2-3; ARTICLE 3

A national body to be known as the Commission for the Consolidation of Peace shall be established within two weeks of the signing of this Agreement. [...]

The Commission, in fulfilment of this task during the period of consolidating the peace, shall coordinate and facilitate the work of the following bodies which it will proceed to establish:

- (i) Socio-Economic Forum;
- [...]

Page 8; ARTICLE 22

In the pursuit of the reconstruction, rehabilitation and socio-economic development of Sierra Leone as a matter of the utmost priority, special attention shall be given to rural and urban poor areas, war victims, disabled persons and other vulnerable groups. The Government in conjunction with the Committee for Demobilization and Resettlement shall cooperate with all political parties and movements, including the RUF/SL, to raise resources internationally for these objectives during the initial phase of the consolidation of peace.

Page 8; ARTICLE 23

The Government shall do all in its power to mobilize resources internally and externally to meet the needs of post-war reconstruction and socio-economic development.

tr_dev

Socio-Economic
Development

Page 9-10; ARTICLE 26

It is recognized that there is a socio-economic dimension to the conflict which must also be addressed in order to consolidate the foundation of the peace. Accordingly, the socio-economic policy of Sierra Leone shall be guided among other things, by the following principles, taking into account available resources:

- (i) Enhancement of the nation's productive capacity through meaningful grassroots participation in the reconstruction and development of the country;
- (ii) The provision of equal opportunities to all Sierra Leoneans especially those in the countryside and the urban poor, with the aim of equitable distribution of the nation's resources thereby empowering them to contribute effectively to decision-making and implementation of policies which affect their lives;
- (iii) Improving the quality of life of the people through the provision of inter alia,
 - a. Primary health care in all villages and towns;
 - b. Affordable and quality housing, especially in the countryside and poor urban areas;
 - c. Improved educational services to enable all children of primary and junior-secondary school age to receive free and compulsory schooling as well as provide the opportunity for the youth and all other Sierra Leoneans to receive affordable quality education;
 - d. Clean drinking water and a sewerage system in every village and town;
 - e. Provide job opportunities in a systematic and sustainable way for the people, especially the youth;

- f. Promote and sustain rural development and support agriculture in terms of technical, credit and marketing facilities;
- g. Provide support for production and provision of basic food and nutritional requirements of the people and food security in general;
- h. Protect the environment and regulate the exploitation of natural resources in the interest of the people, as well as prohibit monopolies;
- i. Provide the required infrastructure such as roads, transport and communications, energy and rural electrification, for improved living conditions, especially of the rural people;
- j. Seek to obtain debt relief in order to transfer funds from debt servicing to meet the urgent requirements of rebuilding a war-torn society.

Page 10; ARTICLE 27

A broad-based socio-economic forum, in which the RUF/SL shall participate, shall be established with a view to enriching policy formulation and execution in the socio-economic sector.

tr_cul Cultural Heritage/
Protections

Page 2-3; ARTICLE 3

A national body to be known as the Commission for the Consolidation of Peace shall be established within two weeks of the signing of this Agreement. [...]

The Commission, in fulfilment of this task during the period of consolidating the peace, shall coordinate and facilitate the work of the following bodies which it will proceed to establish:

- [...]
- (iv) Trust Fund for the Consolidation of Peace;
- (vi) National Budget and Debt Committee.

Page 3; ARTICLE 3

A Trust Fund for the Consolidation of Peace shall be established to provide funding for the implementation of the present Peace Agreement.

tr_fin Financial
Arrangements

Page 4; ARTICLE 6

[...]
The Committee shall be provided with adequate funding.

Page 6; ARTICLE 17

The Parties shall approach the international community with a view to mobilizing resources which will be used to establish a trust fund to enable the RUF/SL to transform itself into a political party.

Page 8; ARTICLE 22

[...] The Government in conjunction with the Committee for Demobilization and Resettlement shall cooperate with all political parties and movements, including the RUF/SL, to raise resources internationally for these objectives during the initial phase of the consolidation of peace.

Page 9-10; ARTICLE 26

It is recognized that there is a socio-economic dimension to the conflict which must also be addressed in order to consolidate the foundation of the peace. Accordingly, the socio-economic policy of Sierra Leone shall be guided among other things, by the following principles, taking into account available resources:

[...]

(iii) Improving the quality of life of the people through the provision of inter alia,

[...]

j. Seek to obtain debt relief in order to transfer funds from debt servicing to meet the urgent requirements of rebuilding a war-torn society.

Page 2-3; ARTICLE 3

A national body to be known as the Commission for the Consolidation of Peace shall be established within two weeks of the signing of this Agreement. The Commission shall be a verification mechanism responsible for supervising and monitoring the implementation of and compliance with all the provisions contained in this Peace Agreement.

The Commission, in fulfillment of this task during the period of consolidating the peace, shall coordinate and facilitate the work of the following bodies which it will proceed to establish:

(i) Socio-Economic Forum;

(ii) Citizen's Consultative Conferences;

(iii) Multi-partisan Council;

(iv) Trust Fund for the Consolidation of Peace;

(v) Demobilizations and Resettlement Committee;

(vi) National Budget and Debt Committee.

The Commission shall comprise representatives of the Government and the Revolutionary United Front of Sierra Leone, drawing on the resources of State and civic institutions as and when necessary.

The Commission shall have the power to recommend the preparation of enabling measures necessary for the implementation and development of the provisions contained in this Peace Agreement. It shall have the power to issue publicly its conclusions. The parties undertake to comply with the conclusions of the Commission.

The Commission shall have the power to prepare preliminary legislative drafts necessary for the implementation and development of the provisions contained in the present Peace Agreement.

The Parties undertake to consult the Commission before taking decisions on measures relating to the present Peace Agreement.

The Commission may similarly consult the Parties at the highest level whenever it is appropriate.

The Commission shall have access to and may inspect any activity or site connected with the implementation of the present Peace Agreement. The Commission shall have full powers to organize its work in the manner in which it deems most appropriate and to appoint any group or subcommittee which it may deem useful in the discharge of its functions.

The Commission shall have its own offices, adequate communication facilities and adequate secretariat support staff.

A Trust Fund for the Consolidation of Peace shall be established to provide funding for the implementation of the present Peace Agreement.

tj_dsm

Dispute Settlement
Mechanisms

<p>ia_ver</p> <p>Verification & Monitoring Mechanism</p>	<p>Page 5; ARTICLE 8</p> <p>The Parties shall request the international community to help supervise and monitor the encampment, disarmament, demobilization and reintegration processes. The Joint Monitoring Group shall have observers at any of these processes.</p> <p>Page 5; ARTICLE 11</p> <p>A Neutral Monitoring Group (NMG) from the international community shall be responsible for monitoring breaches of the ceasefire provided under this Peace Agreement.</p> <p>Both Parties upon signing this Agreement shall request the international community to provide neutral monitors.</p> <p>Such monitors when deployed shall be in position for an initial period of three months.</p> <p>The Neutral Monitoring Group shall report any violations of the ceasefire to its headquarters which shall in turn communicate the same to the headquarters of the Joint Monitoring Group comprising of representatives of the Government of Sierra Leone and the RUF based in Freetown.</p> <p>Page 5; ARTICLE 12</p> <p>The Executive Outcomes shall be withdrawn five weeks after the deployment of the Neutral Monitoring Group (NMG). As from the date of the deployment of the Neutral Monitoring Group, the Executive Outcomes shall be confined to barracks under the supervision of the Joint Monitoring Group and the Neutral Monitoring Group. Government shall use all its endeavours, consistent with its treaty obligations, to repatriate other foreign troops no later than three months after the deployment of the Neutral Monitoring Group or six months after the signing of the Peace Agreement, whichever is earlier.</p>
<p>ia_pko</p> <p>Peacekeeping</p>	
<p>ia_adv</p> <p>International Assistance & Advice</p>	<p>Page 3; ARTICLE 3</p> <p>The Commission, in fulfilment of this task during the period of consolidating the peace, shall coordinate and facilitate the work of the following bodies which it will proceed to establish:</p> <p>[...]</p> <p>(iv) Trust Fund for the Consolidation of Peace;</p> <p>[...]</p> <p>A Trust Fund for the Consolidation of Peace shall be established to provide funding for the implementation of the present Peace Agreement.</p> <p>Page 6; ARTICLE 17</p> <p>The Parties shall approach the international community with a view to mobilizing resources which will be used to establish a trust fund to enable the RUF/SL to transform itself into a political party.</p> <p>Page 8; ARTICLE 22</p> <p>In the pursuit of the reconstruction, rehabilitation and socio-economic development of Sierra Leone as a matter of the utmost priority, special attention shall be given to rural and urban poor areas, war victims, disabled</p>

persons and other vulnerable groups. The Government in conjunction with the Committee for Demobilization and Resettlement shall cooperate with all political parties and movements, including the RUF/SL, to raise resources internationally for these objectives during the initial phase of the consolidation of peace.

Page 8; ARTICLE 20

[...]

In pursuance of the above, technical and material assistance may be sought from the United Nations Special Commission on Human Rights, the United Nations Centre for Human Rights, the African Commission on Human and the People's Rights and other relevant international organizations.

[...]

Page 8; ARTICLE 23

The Government shall do all in its power to mobilize resources internally and externally to meet the needs of post-war reconstruction and socio-economic development.

AGREEMENT ON A FIRM AND LASTING PEACE

Page 11; Agreement on identity and rights of indigenous peoples; IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS; B. Local indigenous communities and authorities

3. Recognizing the role of the communities, within the framework of municipal autonomy, in exercising the right of indigenous peoples to determine their own development priorities, particularly in the fields of education, health, culture and the infrastructure, the Government undertakes to strengthen the capacity of such communities in this area.

4. To this end, and in order to promote the participation of the indigenous communities in the decision-making process in all matters which affect them the Government shall promote a reform of the Municipal Code.

5. That reform shall be promoted in accordance with the conclusions adopted by the commission on reform and participation, established in section D, paragraph 4, of this part in the following areas, within the framework of municipal autonomy and the legal provisions granting indigenous communities the right to manage their internal affairs in accordance with their customary norms, as mentioned in section E, paragraph 3, of this part:
[...]

Page 11; Agreement on identity and rights of indigenous peoples; IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS; C. Regionalization

Taking account of the advisability of having a regional administration based on far-reaching decentralization and deconcentration, the pattern of which reflects economic, social, cultural, linguistic and environmental criteria, the Government undertakes to regionalize the administration of the educational, health and cultural services of the indigenous peoples on the basis of linguistic criteria; in addition, it undertakes to facilitate the effective participation of community representatives in the management of education and culture at the local level in order to guarantee efficiency and relevance.

ps_pol

Political Power-sharing

Page 12-13; Agreement on identity and rights of indigenous peoples; IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS; D. Participation at all levels

1. It is recognized that the indigenous peoples have been excluded from the decision-making process in the country's political life, so that it is extremely difficult, if not impossible, for them freely and fully to express their demands and defend their rights.

2. In this connection, it is reaffirmed that the Maya, Garifuna and Xinca peoples have the right to create and manage their own institutions, to control their development and to have a genuine opportunity freely to exercise their political rights. It is also recognized and reaffirmed that the free exercise of these rights gives validity to their institutions and strengthens the unity of the nation.

3. Consequently, it is necessary to institutionalize the representation of indigenous peoples at the local, regional and national levels and to ensure their free participation in the decision-making process in the various areas of national life.

4. The Government undertakes to promote legal and institutional reforms to facilitate, regulate and guarantee such participation. It also undertakes to plan such reforms with the participation of representatives of the indigenous organizations through the establishment of a joint commission on reform and participation, made up of representatives of the Government and of the indigenous organizations.

5. Without limiting its mandate, the commission may consider reforms or measures in the following areas:

(a) Mandatory mechanisms for consultation with the indigenous peoples whenever legislative and administrative measures likely to affect the Maya, Garifuna and Xinca peoples are being considered;

(b) Institutional forms of individual and collective participation in the decision-making process, such as advisory, consultative or other bodies that ensure a permanent dialogue between organs of the State and the indigenous peoples;

(c) Institutions representing the indigenous peoples which defend the interests of the indigenous peoples at the regional and/or national level and which have statutes that ensure their representativity and powers that guarantee the adequate defence and promotion of those interests, including the power to make proposals to the executive and legislative bodies; and

(d) Guarantee of free access by indigenous peoples to the various branches of public service, promoting their appointment to posts within the local, regional and national government administrations whose work most directly concerns their interests or whose activities are limited to predominantly indigenous areas.

Page 17; Agreement on identity and rights of indigenous peoples; V. JOINT COMMISSIONS

With regard to the composition and functioning of the commission on education reform referred to in part III, section G, paragraph 5, the commission on reform and participation referred to in part IV, section D, paragraph 4, and the commission on rights relating to land of the indigenous peoples referred to in part IV, section F, paragraph 10, the parties agree as follows:

(a) The commissions shall be composed of an equal number of representatives of the Government and representatives of indigenous organizations;

(b) The number of members of the commissions shall be established in consultations between the Government and the Maya sectors of the Assembly of Civil Society;

(c) The Maya sectors of the Assembly of Civil Society shall convene the Maya, Garifuna and Xinca organizations interested in participating in the said commissions for them to designate indigenous representatives to them; [...]

Page 5-6; Agreement on Social and Economic Aspects and Agrarian Situation; I. DEMOCRATIZATION AND PARTICIPATORY DEVELOPMENT; A. Participation and consensus-building

10. In order to reinforce the people's ability to participate and, at the same time, the State's management capacity, the Government agrees to:

Communities

(a) Promote a reform of the Municipal Code so that deputy mayors are appointed by the municipal mayor, taking into account the recommendations of local residents in an open town council meeting;

Municipalities

(b) Foster social participation in the context of municipal autonomy, pursuing the process of decentralization to give more authority to municipal governments, and consequently, strengthening their technical, administrative and financial resources;

(c) Establish and implement as soon as possible, in cooperation with the National Association of Municipalities, a municipal training programme that will serve as a framework for national efforts and international cooperation in this

	<p>field. The programme will stress the training of municipal staff who will specialize in executing the new duties that will be the responsibility of the municipality as a result of decentralization, with an emphasis on land use planning, a land register, urban planning, financial management, project management and training of local organizations so that they can participate effectively in meeting their own needs;</p> <p>Departments</p> <p>(d) Promote in the Congress a reform of the Act concerning the governance of the departments of the Republic, to the effect that the governor of the department would be appointed by the President of the Republic, taking into consideration the candidates nominated by the non-governmental representatives of the departmental development councils;</p>
<p>ps_eco Economic Power-sharing</p>	
<p>ps_mil Military Power-sharing</p>	
<p>tj_amn Amnesty</p>	<p>Page 19-22; Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca; III. ELEMENTS OF THE INTEGRATION PROGRAMME; A. Legal area</p> <p>National Reconciliation Act</p> <p>17. The Government shall sponsor in the Congress of the Republic a draft National Reconciliation Act whose object shall be, in accordance with the spirit and content of the Peace Agreements, to promote a culture of harmony and mutual respect that will eliminate any form of revenge or vengeance, while safeguarding the fundamental rights of the victims, as prerequisites for a firm and lasting peace.</p> <p>Extinction of criminal liability</p> <p>20. With a view to promoting national reconciliation, without neglecting the need to combat impunity, the National Reconciliation Act shall contain a clause allowing URNG members to be integrated into lawful life.</p> <p>Political crimes</p> <p>21. In relation to the aforesaid clause, the National Reconciliation Act shall declare the extinction of criminal liability for political crimes committed in the internal armed conflict up to the date on which the Act enters into force and shall cover persons who perpetrated, abetted or were accessories to crimes against State security, public institutions and the public administration, as defined in articles 359, 360, 367, 368, 375, 381, 385 to 399, 408 to 410 and 414 to 416 of the Penal Code and in Title VII of the Arms and Munitions Act. In such cases, the Public Prosecutor's Office shall refrain from exercising a right of action and the judicial authority shall dismiss proceedings.</p> <p>Related common crimes</p> <p>22. Also in relation to the clause mentioned in paragraph 20, the National Reconciliation Act shall extinguish criminal liability for related common crimes committed in the armed conflict, such crimes being defined as those which are directly, objectively, intentionally and causally related to the commission of the political crimes referred to in the preceding paragraph and which cannot be shown to be motivated by personal goals. The common crimes which are defined as related to the political crimes mentioned in the preceding paragraph are those described in articles 214 to 216, 278, 279, 282 to 285, 287 to 289,</p>

292 to 295, 321, 325, 330, 333, 337 to 339, 400 to 402, 404, 406 and 407 of the Penal Code.

Other extinctions of criminal liability

23. In respect of persons who were involved in the internal armed conflict owing to institutional mandates, the National Reconciliation Act shall contain specific provisions equivalent to those previously mentioned, in that they shall extinguish criminal liability for common crimes perpetrated with the aim of preventing, thwarting, suppressing or punishing the commission of political crimes and related common crimes, where such crimes were directly, objectively, intentionally and causally related to that aim, unless it is demonstrated that there is no relationship between the criminal act and the stated aim.

Restrictions

24. The provisions in the National Reconciliation Act which extinguish criminal liability shall under no circumstances extend to crimes which, under domestic law or the international treaties ratified or signed by Guatemala, are imprescriptible or are not subject to an extinction of criminal liability.

Proceedings

25. The judicial proceedings for related common crimes shall be consistent with guarantees of due process, shall be expeditious and adversarial, and shall comprise the following stages:

[...]

26. No coercive measures, such as committal orders, pretrial detention, measures in lieu of pretrial detention, remand or arrest shall be ordered during the proceedings. The alleged perpetrators, accused persons or defendants may be represented during the proceedings by their lawyers.

27. Upon conclusion of the proceedings, a certified copy of the entire case record shall be transmitted to the Clarification Commission.

Other legal provisions

32. The Government undertakes to sponsor in the Congress such legal amendments as are needed to permit full compliance with this Agreement.

tj_pri Prisoner Release

Page 37-38; Agreement on a firm and lasting peace; I. CONCEPTS

2. The Government of the Republic reaffirms its adherence to the principles and norms aimed at guaranteeing and protecting full respect for human rights, and its political determination to enforce them.

4. The Guatemalan people are entitled to know the full truth about the human rights violations and acts of violence that occurred in the context of the internal armed conflict. [...]

tj_hum Human Rights

12. The constitutional reforms set out in the Peace Agreements provide the fundamental substantive basis for the reconciliation of Guatemalan society within the framework of the rule of law, democratic coexistence and the full observance of and strict respect for human rights.

Page 3-11; Comprehensive Agreement on Human Rights

Preamble

Taking into consideration the constitutional provisions in effect in respect of human rights and international treaties, conventions and other instruments on the subject to which Guatemala is a party,

Considering the wish of the Government of Guatemala and of the Unidad Revolucionaria Nacional Guatemalteca that the agreement on human rights and international verification be applied in accordance with the aforesaid constitutional provisions and international treaties,

Bearing in mind the commitment of the Government of Guatemala to respect and promote human rights in accordance with the constitutional mandate,

Considering further that the Unidad Revolucionaria Nacional Guatemalteca undertakes to respect the inherent attributes of the human being and to contribute to the effective enjoyment of human rights,

Recognizing the importance of national institutions and entities for the protection and promotion of human rights and the desirability of strengthening them and building them up,

The Government of the Republic of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, hereinafter referred to as "the Parties", hereby agree:

I. GENERAL COMMITMENT REGARDING HUMAN RIGHTS

1. The Government of the Republic of Guatemala reaffirms its adherence to the principles and norms designed to guarantee and protect the full observance of human rights, and its political will to enforce them.

2. The Government of the Republic of Guatemala shall continue to encourage all those measures designed to promote and perfect norms and mechanisms for the protection of human rights.

II. STRENGTHENING INSTITUTIONS FOR THE PROTECTION OF HUMAN RIGHTS

1. The Parties consider that any behaviour that limits, restricts or impairs the functions assigned to the judiciary, the Counsel for Human Rights and the Public Prosecutor's Office in respect of human rights undermines fundamental principles of the rule of law and that, accordingly, those institutions must be supported and strengthened in the exercise of those functions.

2. With regard to the judiciary and the Public Prosecutor's Office, the Government of the Republic of Guatemala reiterates its will to respect their autonomy and to protect the freedom of action of both vis-à-vis pressures of any type and origin, so that they may enjoy fully such guarantees and means as they may require in order to operate efficiently.

3. With regard to the Counsel for Human Rights, the Government of the Republic of Guatemala shall continue to support the latter's work so as to strengthen that institution, backing his actions and promoting such reforms of the enactments as may be needed to enable him to better carry out his functions and responsibilities. The Government of the Republic of Guatemala shall support initiatives designed to improve the technical and material conditions available to the Counsel for Human Rights in carrying out his tasks of investigation, monitoring and follow-up to ensure full enjoyment of human rights in Guatemala.

III. COMMITMENT AGAINST IMPUNITY

1. The Parties agree on the need for firm action against impunity. The Government shall not sponsor the adoption of legislative or any other type of measures designed to prevent the prosecution and punishment of persons responsible for human rights violations.

2. The Government of the Republic of Guatemala shall initiate in the legislature necessary legal amendments to the Penal Code so that enforced or involuntary disappearances and summary or extra-judicial executions may be characterized as crimes of particular gravity and punished as such; likewise, the Government shall foster in the international community, recognition of

enforced or involuntary disappearances and of summary or extra-judicial executions as crimes against humanity.

3. No special law or exclusive jurisdiction may be invoked to uphold impunity in respect of human rights violations.

IV. COMMITMENT THAT THERE ARE NO ILLEGAL SECURITY FORCES AND CLANDESTINE MACHINERY; REGULATION OF THE BEARING OF ARMS

1. In order to maintain unlimited respect for human rights, there must be no illegal security forces nor any clandestine security machinery. The Government of Guatemala recognizes that it has an obligation to combat any manifestation thereof.

[...]

V. GUARANTEES REGARDING FREEDOM OF ASSOCIATION AND FREEDOM OF MOVEMENT

1. Both Parties agree that the freedoms of association and of movement are internationally and constitutionally recognized human rights which must be exercised in accordance with the law and must be fully enjoyed in Guatemala.

2. In the exercise of his functions, the Counsel for Human Rights shall be responsible for establishing whether members of the volunteer civil defence committees have been compelled to join those committees against their will or whether their human rights have been violated.

3. Upon receiving a complaint the Counsel for Human Rights shall immediately conduct the necessary investigations. For that purpose, after publicly announcing that such committees must be made up of persons who have joined of their own free will, and must observe the law and human rights, he shall conduct consultations in the villages, making sure that, in such case, committee members express their wishes freely and without any pressure.

4. Should it be established that some people have not joined of their own free will or that there have been violations of the legal order, the Counsel shall take whatever decisions he may deem necessary and shall initiate corresponding judicial or administrative action to punish the human rights violations.

6. In the event of a complaint, the residents affected shall go to the town mayor who at the same time shall convene a public meeting and shall call the Counsel for Human Rights to verify, by all means at his disposal, whether or not the residents acted of their own free will.

8. The Parties recognize the work done by the Office of the Counsel for Human Rights with regard to education and information, and request that the latter should include in its work information regarding the content and scope of the present agreement.

VI. MILITARY CONSCRIPTION

1. Conscription for compulsory military service must not be forced, nor should it be cause for a violation of human rights and, therefore, while military service should continue to be a civic duty and right, it must be just and non-discriminatory.

VII. SAFEGUARDS AND PROTECTION OF INDIVIDUALS AND ENTITIES WORKING FOR THE PROTECTION OF HUMAN RIGHTS

1. The Parties agree that all acts which may affect the safeguards of those individuals or entities working for the promotion and protection of human rights are to be condemned.

2. Accordingly, the Government of the Republic of Guatemala shall take special measures to protect those persons or entities working in the field of human rights. Furthermore it shall investigate, in a timely and exhaustive manner, any complaint it may receive relating to acts or threats that may be directed at them.

3. The Government of the Republic of Guatemala reiterates the commitment to safeguard and protect effectively the work of individuals and entities engaged in upholding human rights.

[...]

VIII. COMPENSATION AND/OR ASSISTANCE TO THE VICTIMS OF HUMAN RIGHTS VIOLATIONS

[...]

IX. HUMAN RIGHTS AND INTERNAL ARMED CONFRONTATION

1. Until such time as the firm and lasting peace agreement is signed, both Parties recognize the need to put a stop to suffering of the civilian population and to respect the human rights of those wounded, captured and those who have remained out of combat.

2. These statements by the Parties do not constitute a special agreement, in the terms of article 3 (Common), paragraph 2, second subparagraph of the Geneva Conventions of 1949.

X. INTERNATIONAL VERIFICATION BY THE UNITED NATIONS

[...]

3. The Parties recognize the importance of the role of the national institutions responsible for enforcing, monitoring and safeguarding human rights, such as the judiciary, the Public Prosecutors Office and the Counsel for Human Rights, and they emphasized the role of the latter, in particular.

[...]

Functions

5. In verifying human rights, the mission shall carry out the following functions:

(a) Receive, consider and follow-up complaints regarding possible human rights violations;

(b) Establish that the competent national institutions are carrying out the necessary investigations autonomously, effectively and in accordance with the political constitution of the Republic of Guatemala and international norms regarding human rights;

(c) Determine whether or not a violation of human rights has occurred on the basis of whatever information it may obtain in the exercise of the powers referred to in paragraph 10, subparagraphs (a), (b), (c) and (d), taking into consideration any investigations that the competent constitutional institutions may carry out.

[...]

15. For purposes of implementation of the general commitment regarding human rights (chapter I of the present agreement), the Parties understand human rights as meaning those rights which are recognized in the Guatemalan legal order including international treaties, conventions and other instruments on the subject to which Guatemala is a party.

Cooperation and support for national institutions for the protection of human rights

16. The Parties agree in acknowledging that international verification must contribute to strengthening the permanent constitutional mechanisms and other national governmental and non-governmental entities for the protection of human rights. In order to support them, the verification mission shall be empowered to:

(a) Cooperate with national institutions and entities, as necessary, for the effective protection and promotion of human rights and, in particular sponsor technical cooperation programmes and carry out institution-building activities;

(b) Offer its support to the judiciary and its auxiliary organs, the Public Prosecutor's Office, the Counsel for Human Rights and the Presidential Human Rights Committee in order to contribute to the development and

strengthening of national institutions for the protection of human rights and due legal process;

(c) Promote the international technical and financial cooperation required to strengthen the capacity of the Counsel for Human Rights and that of other national institutions and entities to carry out their functions in respect of human rights;

(d) Contribute, in cooperation with the State and the various, bodies of society, to encouraging a culture of respect for human rights.

[...]

Launching of the international verification mission

19. Taking into consideration its wish to promote human rights in Guatemala, and the fact that the provisions of the present agreement reflect constitutional rights that are already set forth in Guatemala's legal order and considering the role of the international mission to strengthen national institutions and entities for the protection of human rights, in particular the Counsel for Human Rights, the Parties recognize that it is desirable, as an exceptional measure, that verification of the human rights agreement should commence prior to the signing of the firm and lasting peace agreement.

[...]

Page 3; Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict; Preamble

Considering the national, traumatic dimensions of the uprooting that occurred during the armed conflict in the country, in human, cultural, material, psychological, economic, political and social terms, which caused violations of human rights and great suffering in the communities which were forced to abandon their homes and ways of life, and in the populations which remained in those areas,

Page 4; Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict; I. DEFINITIONS, PRINCIPLES AND OBJECTIVES OF A COMPREHENSIVE STRATEGY FOR RESETTLING THE POPULATIONS UPROOTED BY ARMED CONFLICT; Principles

2. Full respect for the human rights of the uprooted population shall be an essential condition for the resettlement of this population.

Page 5; Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict; I. DEFINITIONS, PRINCIPLES AND OBJECTIVES OF A COMPREHENSIVE STRATEGY FOR RESETTLING THE POPULATIONS UPROOTED BY ARMED CONFLICT; Objectives

The comprehensive resettlement strategy shall have the following objectives:

1. To ensure that the uprooted population groups fully enjoy all their rights and fundamental freedoms, in particular those rights and freedoms which were affected during the uprooting process;

Page 5; Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict; II. GUARANTEES FOR THE RESETTLEMENT OF UPROOTED POPULATION GROUPS

1. Full respect for human rights and fundamental freedoms is essential for the security and dignity of resettlement processes. The Parties reiterate their decision to comply fully with the Comprehensive Agreement on Human Rights, which took effect on 29 March 1994, promoting respect for the human rights of uprooted populations, one of the vulnerable sectors which deserve particular attention, with special vigilance.

Page 13; Agreement on the establishment of the Commission to clarify past human rights violations and acts of violence that have caused the Guatemalan population to suffer;

[Untitled Preamble]

[...]

Reiterating its wish to comply fully with the Comprehensive Agreement on Human Rights of 29 March 1994;

Reiterating its wish to open as soon as possible a new chapter in Guatemala's history which, being the culmination of a lengthy process of negotiation, will put an end to the armed conflict and help lay the bases for peaceful coexistence and respect for human rights among Guatemalans;

Purposes

I. To clarify with all objectivity, equity and impartiality the human rights violations and acts of violence that have caused the Guatemalan population to suffer, connected with the armed conflict.

[...]

Page 4; Agreement on identity and rights of indigenous peoples; II. STRUGGLE AGAINST DISCRIMINATION; A. Struggle against de jure and de facto discrimination

2. For its part, with a view to eradicating discrimination against the indigenous peoples, the Government shall take the following measures:

[...]

(d) Promote the effective protection of such rights. To that end, promote the creation of legal offices for the defence of indigenous rights and the installation of popular law offices to provide free legal assistance for persons of limited economic means in municipalities in which indigenous communities are prevalent. Furthermore, the Office of the Counsel for Human Rights and other organizations for the protection of human rights are urged to give special attention to the protection of the rights of the Maya, Garifuna and Xinca peoples.

Page 5; Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society; II. THE LEGISLATIVE BRANCH

6. The Parties agree that the legislative branch must be enhanced, modernized and reinforced, and that the Presidency of the Congress will be requested to set up a multi-party agency for that purpose. This agency will work in conjunction with those legislative commissions which have been entrusted with responsibilities in connection with the follow-up to the agreements on a firm and lasting peace and the process of modernization and strengthening of the Congress of the Republic. Its agenda, minimal and open-ended, will give priority to the following aspects:

[...]

(g) Redefinition of the functions of the Congressional Human Rights Commission to allow for a more effective follow-up of the resolutions and recommendations contained in reports produced by the Counsel for Human Rights and other recognized public entities on the situation of human rights in Guatemala.

Page 3; Agreement on Constitutional Reforms and the Electoral Regime; I. CONSTITUTIONAL REFORMS

Whereas the Constitution in force since 1986 sets forth the responsibility of the State, as the expression of the legal and political organization of society, for promoting the common good and the consolidation of the rule of legality, security, justice, equality, freedom and peace, and defines as a central concern the promotion of the full enjoyment of human rights within a stable, permanent and popular institutional order in which governed and government act with absolute adherence to the law,

[...]

Whereas the constitutional reforms contained in this Agreement constitute a substantive, fundamental basis for the reconciliation of Guatemalan society within the framework of the rule of law, democratic coexistence, full observance of and strict respect for human rights, [...]

Page 38; Agreement on a firm and lasting peace; I. CONCEPTS

5. Recognition of the identity and rights of indigenous peoples is essential for building a multi-ethnic, multicultural and multilingual country of national unity. Respect for and the exercise of the political, cultural, economic and spiritual rights of all Guatemalans is the foundation for a new coexistence reflecting the diversity of their nation.

Page 5; Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict; II. GUARANTEES FOR THE RESETTLEMENT OF UPROOTED POPULATION GROUPS

3. The rights of the various indigenous communities, primarily Mayas, should be taken into account, especially respect for, and encouragement of, their way of life, cultural identity, customs, traditions and social organization.

Page 2-19; Agreement on identity and rights of indigenous peoples

Considering

That the question of identity and rights of indigenous peoples is a vital issue of historic importance for the present and future of Guatemala;

That the indigenous peoples include the Maya people, the Garifuna people and the Xinca people, and that the Maya people consist of various socio-cultural groups having a common origin;

That, because of its history, conquest, colonization, movements and migrations, the Guatemalan nation is multi-ethnic, multicultural and multilingual in nature;

That the parties recognize and respect the identity and political, economic, social and cultural rights of the Maya, Garifuna and Xinca peoples, within the unity of the Guatemalan nation, and subject to the indivisibility of the territory of the Guatemalan State, as components of that unity;

That the indigenous peoples have been particularly subject to de facto levels of discrimination, exploitation and injustice, on account of their origin, culture and language and that, like many other sectors of the national community, they have to endure unequal and unjust treatment and conditions on account of their economic and social status;

That this historical reality has affected and continues to affect these peoples profoundly, denying them the full exercise of their rights and political participation, and hampering the configuration of a national unity which should adequately reflect the rich and diversified physionomy of Guatemala with its wealth of values;

That until this problem affecting Guatemalan society is resolved, its economic, political, social and cultural potential will never be able to develop fully and neither will it be able to take the place in the community of nations due to it by virtue of its ancient history and the spiritual grandeur of its peoples;

That it will be possible to eliminate oppression and discrimination in Guatemala only if due recognition is given to all aspects of the identity and rights of the peoples who have inhabited and continue to inhabit it, all of whom are components of its present reality and protagonists in its development, in all senses;

That all matters of direct interest to the indigenous peoples need to be dealt with by and with them and that the present agreement seeks to create, expand

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Indigenous &
Minority Rights

and strengthen the structures, conditions, opportunities and guarantees regarding participation of the indigenous peoples, with full respect for their identity and the exercise of their rights;

That the international community, through the United Nations and the agencies and programmes of the United Nations system, the Organization of American States and other international agencies and instruments have recognized the aspirations of the indigenous peoples who wish to gain control over their own institutions and forms of life as peoples;

The Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (hereinafter referred to as the parties) have agreed as followed:

I. IDENTITY OF INDIGENOUS PEOPLES

1. Recognition of the identity of the indigenous peoples is fundamental to the construction of a national unity based on respect for and the exercise of political, cultural, economic and spiritual rights of all Guatemalans.

2. The identity of the peoples is a set of elements which define them and, in turn, ensure their self-recognition. In the case of the Mayan identity, which has shown an age-old capacity for resistance to assimilation, those fundamental elements are as follows:

(a) Direct descent from the ancient Mayas;

(b) Languages deriving from a common Mayan root;

(c) A view of the world based on the harmonious relationship of all elements of the universe, in which the human being is only one additional element, in which the earth is the mother who gives life and maize is a sacred symbol around which Mayan culture revolves. This view of the world has been handed down from generation to generation through material and written artifacts and by an oral tradition in which women have played a determining role;

(d) A common culture based on the principles and structures of Mayan thought, a philosophy, a legacy of scientific and technical knowledge, artistic and aesthetic values of their own, a collective historical memory, a community organization based on solidarity and respect for one's peers, and a concept of authority based on ethical and moral values; and

(e) A sense of their own identity.

3. The multiplicity of socio-cultural groups of the Maya people, which include the Achi, Akateco, Awakateko, Chorti, Chuj, Itza, Ixil, Jakalteco, Kanjobal, Kaqchikel, Kiche, Mam, Mopan, Poqomam, Poqomchi, Q'eqchi, Sakapulteko, Sikapakense, Tectiteco, Tz'utujil and Uspanteco, has not affected the cohesion of their identity.

4. The identity of the Maya people, as well as the identities of the Garifuna and Xinca peoples is recognized within the unity of the Guatemalan nation and the Government undertakes to promote, in the Guatemalan Congress, a reform of the Guatemalan Constitution to that effect.

II. STRUGGLE AGAINST DISCRIMINATION

A. Struggle against de jure and de facto discrimination

1. To overcome the age-old discrimination against indigenous peoples the assistance of all citizens will be needed in the effort to change thinking, attitudes and behaviour. This change must begin with a clear recognition by all Guatemalans of the reality of racial discrimination and of the compelling need to overcome it and achieve true peaceful coexistence.

2. For its part, with a view to eradicating discrimination against the indigenous peoples, the Government shall take the following measures:

(a) Promote in the Guatemalan Congress, the classification of ethnic discrimination as a criminal offence;

(b) Promote a review by the Guatemalan Congress of existing legislation with a view to abolishing any law or provision that could have discriminatory implications for the indigenous peoples;

(c) Widely disseminate information on the rights of the indigenous peoples through education, the communications media and through other channels; and

(d) Promote the effective protection of such rights. To that end, promote the creation of legal offices for the defence of indigenous rights and the installation of popular law offices to provide free legal assistance for persons of limited economic means in municipalities in which indigenous communities are prevalent. Furthermore, the Office of the Counsel for Human Rights and other organizations for the protection of human rights are urged to give special attention to the protection of the rights of the Maya, Garifuna and Xinca peoples.

B. Rights of indigenous women

1. It is recognized that indigenous women are particularly vulnerable and helpless, being confronted with twofold discrimination both as women and indigenous people, and also having to deal with a social situation characterized by intense poverty and exploitation. The Government undertakes to take the following measures:

[...]

C. International instruments

International Convention on the Elimination of All Forms of Racial Discrimination

1. The Government undertakes to promote, in the Guatemalan Congress, a bill incorporating the provisions of the Convention in the Penal Code.

2. Since Guatemala is a party to the Convention it undertakes to use all available means aiming at recognition of the Committee on the Elimination of Racial Discrimination, as provided in article 14 of that Convention.

Indigenous and Tribal Peoples Convention, 1989 (ILO Convention No. 169)

3. The Government has transmitted to the Guatemalan Congress, for its approval, Convention No. 169 of the International Labour Organization and will accordingly promote approval of that Convention by the Congress. The parties urge the political parties to facilitate approval of the Convention.

Draft declaration on the rights of indigenous peoples

4. The Government shall promote approval of the draft declaration on the rights of indigenous peoples in the appropriate forums of the United Nations, in consultation with the indigenous peoples of Guatemala.

III. CULTURAL RIGHTS

[...]

IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS

A. Constitutional framework

The Government of Guatemala undertakes to promote a reform of the Constitution in order to define and characterize the Guatemalan nation as being of national unity, multi-ethnic, multicultural and multilingual.

B. Local indigenous communities and authorities

1. Recognition is accorded to the importance the Maya and other indigenous communities have had and continue to have in the political, economic, social, cultural and spiritual spheres. Their cohesion and dynamism have enabled the Maya, Garifuna and Xinca peoples to preserve and develop their culture and way of life, despite the discrimination to which they have been subjected.

2. Bearing in mind the constitutional commitment of the State to recognize, respect and promote these forms of organization which are peculiar to the indigenous communities, recognition is accorded to the role of the community authorities that were constituted in accordance with the customary norms of the communities, in the management of their affairs.

3. Recognizing the role of the communities, within the framework of municipal autonomy, in exercising the right of indigenous peoples to determine their own development priorities, particularly in the fields of education, health, culture and the infrastructure, the Government undertakes to strengthen the capacity of such communities in this area.

4. To this end, and in order to promote the participation of the indigenous communities in the decision-making process in all matters which affect them the Government shall promote a reform of the Municipal Code.

5. That reform shall be promoted in accordance with the conclusions adopted by the commission on reform and participation, established in section D, paragraph 4, of this part in the following areas, within the framework of municipal autonomy and the legal provisions granting indigenous communities the right to manage their internal affairs in accordance with their customary norms, as mentioned in section E, paragraph 3, of this part:

(a) Definition of the status and legal capacity of indigenous communities and their authorities constituted in accordance with traditional norms;

(b) Definition of the modalities concerning respect for customary law and all matters related to the habitat in the discharge of municipal functions, taking into consideration, where necessary, the situation of linguistic, ethnic and cultural diversity of the municipalities;

(c) Definition of the modalities for promoting the equitable distribution of government expenditure, including the percentage of the State's general budget of regular revenue which is transferred annually to the municipalities, among the communities, indigenous or non-indigenous, that make up the municipality, strengthening the capacity of those communities to manage resources and to be the instruments of their own development; and

(d) Definition of the modalities for communities to join together in the defense of their rights and interests and the conclusion of agreements for the design and implementation of communal and regional development projects.

C. Regionalization

Taking account of the advisability of having a regional administration based on far-reaching decentralization and deconcentration, the pattern of which reflects economic, social, cultural, linguistic and environmental criteria, the Government undertakes to regionalize the administration of the educational, health and cultural services of the indigenous peoples on the basis of linguistic criteria; in addition, it undertakes to facilitate the effective participation of community representatives in the management of education and culture at the local level in order to guarantee efficiency and relevance.

D. Participation at all levels

1. It is recognized that the indigenous peoples have been excluded from the decision-making process in the country's political life, so that it is extremely difficult, if not impossible, for them freely and fully to express their demands and defend their rights.

2. In this connection, it is reaffirmed that the Maya, Garifuna and Xinca peoples have the right to create and manage their own institutions, to control their development and to have a genuine opportunity freely to exercise their political rights. It is also recognized and reaffirmed that the free exercise of these rights gives validity to their institutions and strengthens the unity of the nation.

3. Consequently, it is necessary to institutionalize the representation of indigenous peoples at the local, regional and national levels and to ensure their free participation in the decision-making process in the various areas of national life.

4. The Government undertakes to promote legal and institutional reforms to facilitate, regulate and guarantee such participation. It also undertakes to plan such reforms with the participation of representatives of the indigenous organizations through the establishment of a joint commission on reform and participation, made up of representatives of the Government and of the indigenous organizations.

5. Without limiting its mandate, the commission may consider reforms or measures in the following areas:

(a) Mandatory mechanisms for consultation with the indigenous peoples whenever legislative and administrative measures likely to affect the Maya, Garifuna and Xinca peoples are being considered;

(b) Institutional forms of individual and collective participation in the decision-making process, such as advisory, consultative or other bodies that ensure a permanent dialogue between organs of the State and the indigenous peoples;

(c) Institutions representing the indigenous peoples which defend the interests of the indigenous peoples at the regional and/or national level and which have statutes that ensure their representativity and powers that guarantee the adequate defence and promotion of those interests, including the power to make proposals to the executive and legislative bodies; and

(d) Guarantee of free access by indigenous peoples to the various branches of public service, promoting their appointment to posts within the local, regional and national government administrations whose work most directly concerns their interests or whose activities are limited to predominantly indigenous areas.

E. Customary law

1. The traditional norms of indigenous peoples have been and continue to be an essential element for the social regulation of the life of the communities and, consequently, for the maintenance of their cohesion.

2. The Government recognizes that both the failure of national legislation to take account of the customary norms which govern life in the indigenous communities and the lack of access by indigenous peoples to the resources of the national judicial system have resulted in the denial of rights, in discrimination and in marginalization.

3. To strengthen the security before the law of the indigenous communities, the Government undertakes to promote, before the legislative organ and with the participation of indigenous organizations, the development of rules of law which would recognize the right of the indigenous communities to manage their own internal affairs in accordance with their customary norms, provided that the latter are not incompatible with the fundamental rights defined by the national legal system or with internationally recognized human rights.

4. In cases where the intervention of the courts is required, and in particular in criminal matters, the competent authorities should take fully into account the traditional norms governing the communities.

To this end, the Government undertakes to take the following measures:

(a) Propose, with the participation of representatives of indigenous organizations, legal provisions calling for the inclusion of cultural expertise and the development of mechanisms which would permit the community authorities to indicate the customs which constitute their set of internal norms; and

(b) Promote, in coordination with Guatemalan universities, professional associations and indigenous organizations, a continuing program for judges and officers of the court (Ministerio Público) on the culture and identifying features of the indigenous peoples and, in particular, an understanding of the norms and mechanisms which govern their community life.

5. To ensure the access of indigenous peoples to the resources of the national legal system, the Government undertakes to promote free legal advisory services for those with limited economic resources and reiterates its obligation

to make court interpreters available to the indigenous communities, free of charge, thus ensuring the application of the principle that no one may be judged without having had the assistance of interpretation into his own language.

6. The Government, in cooperation with indigenous organizations, national universities and competent professional associations, shall promote the systematic and in-depth study of the values and procedures of the traditional system of norms.

F. Rights relating to land of the indigenous peoples

1. The rights relating to land of the indigenous peoples include both the communal or collective and the individual tenure of land, rights of ownership and possession and other real rights, and the use of natural resources for the benefit of the communities without detriment to their habitat. Legislative and administrative measures must be developed to ensure recognition, the awarding of title, protection, recovery, restitution and compensation for those rights.

2. The lack of protection of the rights relating to land and natural resources of the indigenous peoples is part of a very wide-ranging set of problems resulting, inter alia, from the fact that both the indigenous and the non-indigenous peasants have had difficulty in having their rights legalized through the acquisition of title and land registration. When, in exceptional cases, they have been able to have their rights legalized, they have not had access to legal mechanisms to defend them. Since this problem is not exclusive to the indigenous population – although the latter has been particularly affected – it should be dealt with in the context of “Social and economic issues and the agrarian question”, as one of the considerations to be taken into account in connection with the reform of the land tenure structure.

3. However, the situation with regard to the particular lack of protection and plundering of indigenous communal or collectively held lands merits special attention within the framework of this agreement. The Guatemalan Constitution establishes the obligation of the State to give special protection to cooperative, communal or collectively-held lands; recognizes the right of indigenous and other communities to maintain the system of administration of the lands which they hold and which historically belong to them; and lays down the obligation of the State to provide State lands for the indigenous communities which need them for their development.

4. Recognizing the special importance which their relationship to the land has for the indigenous communities, and in order to strengthen the exercise of their collective rights to the land and its natural resources, the Government undertakes to adopt directly, when that is within its competence, and to promote, when that is within the competence of the legislative organ or the municipal authorities, the following measures, inter alia, which shall be implemented in consultation and coordination with the indigenous communities concerned.

Regularization of the land tenure of indigenous communities

5. The Government shall adopt or promote measures to regularize the legal situation with regard to the communal possession of lands by communities which do not have the title deeds to those lands, including measures to award title to municipal or national lands with a clear communal tradition. To that end, an inventory of the land tenure situation shall be drawn up in each municipality.

Land tenure and use and administration of natural resources

6. The Government shall adopt or promote the following measures:

(a) Recognize and guarantee the right of access to lands and resources which are not occupied exclusively by communities but to which the latter have historically had access for their traditional activities and their subsistence (rights of way, such as passage, wood-cutting, access to springs, etc., and use of natural resources) and for their spiritual activities;

(b) Recognize and guarantee the right of communities to participate in the use, administration and conservation of the natural resources existing in their lands;

(c) Secure the approval of the indigenous communities prior to the implementation of any project for the exploitation of natural resources which might affect the subsistence and way of life of the communities. The communities affected shall receive fair compensation for any loss which they may suffer as a result of these activities; and

(d) Adopt, in cooperation with the communities, the measures necessary for the protection and preservation of the environment.

Acquisition of land for the development of indigenous communities

8. The Government shall take the necessary measures, without detriment to peasant smallholdings, to discharge its constitutional mandate to provide State lands for the indigenous communities which need them for their development.

Legal protection of the rights of indigenous communities

9. In order to facilitate the defense of the aforementioned rights and to protect the communities effectively, the Government undertakes to adopt or promote the following measures:

(a) Develop legal rules recognizing the right of indigenous communities to administer their lands in accordance with their customary norms;

(b) Promote an increase in the number of courts dealing with land cases and expedite procedures for the settlement of those cases;

(c) Urge faculties of law and the social sciences to strengthen the agrarian law component of the curriculum and include a knowledge of the relevant customary norms;

(d) Establish competent legal advisory services to advise on land claims;

(e) Provide the indigenous communities with the services of interpreters, free of charge, in respect of legal matters;

(f) Promote the widest dissemination, within indigenous communities, of information about land rights and the legal recourses available; and

(g) Eliminate any form of discrimination against women, in fact or in law, with regard to facilitating access to land, housing, loans and participation in development projects.

10. The Government undertakes to give the fulfillment of the undertakings set out in this section F the priority which the situation of insecurity and urgency that characterize the land problems of the indigenous communities deserves. To that end, the Government shall, in consultation with the indigenous peoples, establish a joint commission on the rights relating to land of the indigenous peoples to study, devise and propose more appropriate institutional arrangements and procedures. The commission shall be composed of representatives of the Government and of indigenous organizations.

V. JOINT COMMISSIONS

With regard to the composition and functioning of the commission on education reform referred to in part III, section G, paragraph 5, the commission on reform and participation referred to in part IV, section D, paragraph 4, and the commission on rights relating to land of the indigenous peoples referred to in part IV, section F, paragraph 10, the parties agree as follows:

(a) The commissions shall be composed of an equal number of representatives of the Government and representatives of indigenous organizations;

(b) The number of members of the commissions shall be established in consultations between the Government and the Maya sectors of the Assembly of Civil Society;

(c) The Maya sectors of the Assembly of Civil Society shall convene the Maya, Garifuna and Xinca organizations interested in participating in the said commissions for them to designate indigenous representatives to them;

(d) The commissions shall adopt their conclusions by consensus;

(e) The commissions shall base their operation on the mandates set out in this agreement; and

(f) The commissions may request the advice and cooperation of national and international organs relevant to the discharge of their mandates.

[...]

Page 4; Agreement on Social and Economic Aspects and Agrarian Situation; I. DEMOCRATIZATION AND PARTICIPATORY DEVELOPMENT; A. Participation and consensus-building

4. In this spirit, and in line with the agreements already concluded on the resettlement of the population groups uprooted by the armed conflict and on identity and rights of indigenous peoples, the Parties agree on the importance of establishing or strengthening mechanisms allowing the citizens and different social groups to exercise their rights effectively and participate fully in decision-making on the various matters affecting or involving them, with full awareness of both their individual and collective obligations to society, which they will fulfil responsibly.

Page 6; Agreement on Social and Economic Aspects and Agrarian Situation; I. DEMOCRATIZATION AND PARTICIPATORY DEVELOPMENT; A. Participation and consensus-building, Communities; Regions

(e) Regionalize health care, education and cultural services for indigenous people and ensure the full participation of indigenous organizations in the design and implementation of this process;

Page 10; Agreement on Social and Economic Aspects and Agrarian Situation; II. SOCIAL DEVELOPMENT; A. Education and training; Adjustment of educational curricula

(b) Adjust educational curricula in accordance with the objectives set out in paragraph 21. These adjustments will take into account the conclusions of the Education Reform Commission established by the Agreement on Identity and Rights of Indigenous Peoples;

Page 18; Agreement on Social and Economic Aspects and Agrarian Situation; III. AGRARIAN SITUATION AND RURAL DEVELOPMENT

29. These changes will enable Guatemala to take full advantage of the capacities of its inhabitants and, in particular, the richness of the traditions and cultures of its indigenous peoples. It should also take advantage of the high potential for agricultural, industrial, commercial and tourist development of those resources deriving from its wealth of natural resources.

Page 4; Agreement on Constitutional Reforms and the Electoral Regime; I. CONSTITUTIONAL REFORMS

Whereas, at the national level, recognition of the identity of indigenous peoples is of fundamental importance for building national unity based on respect for and the exercise of the political, cultural, economic and spiritual rights of all Guatemalans, as well as on the fulfilment of their duties,

Page 4-5; Agreement on Constitutional Reforms and the Electoral Regime; I. CONSTITUTIONAL REFORMS; A. Constitutional reforms contained in the Agreement on Identity and Rights of Indigenous Peoples

4. This Agreement provides for constitutional recognition of the identity of the Maya, Garifuna and Xinca peoples and, from that standpoint, of the need to define and characterize the Guatemalan State as being one of national unity and multi-ethnic, multicultural and multilingual in nature. It is not just a matter of recognizing the existence and identity of various ethnic groups, as article 66 of the Constitution currently does, but of recognizing that the very make-up of society, without prejudice to the unity of the nation and the State, is characterized in that way; this also entails recognizing the specific nature of indigenous people's spirituality as an essential component of their world view and of the transmission of their values, and granting official constitutional recognition to indigenous languages as one of the mainstays of national culture and as a vehicle for acquiring and transmitting indigenous people's world view, knowledge and cultural values.

Identity of the Maya, Garifuna and Xinca peoples

5. Sponsor in the Congress of the Republic express constitutional recognition of the identity of the Maya, Garifuna and Xinca peoples, within the unity of the Guatemalan nation.

List of the languages existing in the country

6. Sponsor in the Congress of the Republic an amendment to the Constitution incorporating in its article 143 a list of all languages existing in the Republic, which the Government is required to recognize, respect and promote.

Official recognition of indigenous languages

7. Sponsor in the Congress of the Republic, in accordance with the conclusions of the Official Recognition Commission established under the Agreement on Identity and Rights of Indigenous Peoples, the necessary constitutional amendments arising out of the Commission's work.

Spirituality of the Maya, Garifuna and Xinca peoples

8. Sponsor in the Congress of the Republic the amendment of article 66 of the Constitution to stipulate that the State recognizes, respects and protects the various forms of spirituality practised by the Maya, Garifuna and Xinca peoples.

Page 24; Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca; IV. INSTITUTIONAL ARRANGEMENTS; E. Cultural area

49. Since a large proportion of URNG members are of Mayan origin, the Parties agree to stipulate that the integration programme must be implemented in conformity with the Agreement on Identity and Rights of Indigenous Peoples.

Page 8; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; II. TIMETABLE FOR THE 90 DAYS FROM 15 JANUARY 1997; D. Agreement on identity and rights of indigenous peoples

Official Recognition Commission

18. Set up the Commission for the Official Recognition of Indigenous Languages, with the participation of representatives of linguistic communities and the Academy of Mayan Languages of Guatemala, which shall study arrangements for granting official recognition, taking account of linguistic and territorial criteria.

Commission on Holy Places

19. Establish the Commission on Holy Places, made up of representatives of the Government and indigenous organizations and of indigenous spiritual guides, to identify such places and lay down rules for their preservation.

Joint Commission on Education Reform

20. Establish the Joint Commission on Education Reform, comprising representatives of the Government and of indigenous organizations, to design educational reforms consistent with Guatemala's cultural and ethnic diversity.

Page 17-18; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; III. TIMETABLE FROM 15 APRIL TO 31 DECEMBER 1997; D. Agreement on Identity and Rights of Indigenous Peoples

Joint Commission on Reform and Participation

83. Set up the Joint Commission on Reform and Participation, composed of representatives of the Government and representatives of indigenous organizations.

Joint Commission on Land Rights

84. Set up the Joint Commission on Land Rights, composed of representatives of the Government and representatives of indigenous organizations.

Office for the Defence of Indigenous Women's Rights

85. Set up an Office for the Defence of Indigenous Women's Rights, with the participation of such women, to provide, inter alia, legal advisory- services and social services.

Page 18; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; III. TIMETABLE FROM 15 APRIL TO 31 DECEMBER 1997; E. Agreement on Social and Economic Aspects and the Agrarian Situation; Advisory Commission on Educational Reform

89. The Ministry of Education shall set up the Commission, which shall consist of participants in the educational process, including representatives of the Education Reform Commission set up pursuant to the Agreement on Identity and Rights of Indigenous Peoples.

Page 25; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; IV. TIMETABLE FOR 1998, 1999 AND 2000; B. Agreement on Identity and Rights of Indigenous Peoples

Use of indigenous languages and bilingual training

140. In keeping with the conclusions of the Commission for the Official Recognition of Indigenous Languages, promote the use of indigenous peoples' languages in the provision of State social services at the community level and promote the bilingual training of judges and court interpreters from and into indigenous languages.

Temples, ceremonial centres and holy places

141. In keeping with the conclusions of the Commission on Holy Places, promote with the participation of indigenous peoples the necessary legal measures to ensure the restructuring of State entities responsible for the preservation and administration of temples and ceremonial centres of archaeological value, as well as changes in the regulations for the protection of ceremonial centres of archaeological value, in order to ensure respect for Mayan spirituality.

Page 30; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; III. TIMETABLE FROM 15 APRIL TO 31 DECEMBER 1997; E. Agreement on Social and Economic Aspects and the Agrarian Situation; Municipal Code

176. Sponsor amendments to the Municipal Code to encourage the participation of indigenous communities in decision-making on matters affecting them and to stipulate that deputy mayors be appointed by the municipal mayor, taking into account the proposals made by local residents in open town council meetings.

Page 38; Agreement on a firm and lasting peace; I. CONCEPTS

7. The genuine participation of citizens - both men and women - from all sectors of society is essential for achieving social justice and economic growth. [...]

Page 9; Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict; III. PRODUCTIVE INTEGRATION OF UPROOTED POPULATION GROUPS AND DEVELOPMENT OF RESETTLEMENT AREAS

8. The Government undertakes to eliminate any form of de facto or de jure discrimination against women with regard to access to land, housing, credits and participation in development projects. The gender-based approach shall be incorporated into the policies, programmes and activities of the comprehensive development strategy.

Page 3; Agreement on identity and rights of indigenous peoples; I. IDENTITY OF INDIGENOUS PEOPLES,

2. The identity of the peoples is a set of elements which define them and, in turn, ensure their self-recognition. In the case of the Mayan identity, which has shown an age-old capacity for resistance to assimilation, those fundamental elements are as follows:

[...]

(c) A view of the world based on the harmonious relationship of all elements of the universe, in which the human being is only one additional element, in which the earth is the mother who gives life and maize is a sacred symbol around which Mayan culture revolves. This view of the world has been handed down from generation to generation through material and written artifacts and by an oral tradition in which women have played a determining role;

Page 4-5; Agreement on identity and rights of indigenous peoples; II. STRUGGLE AGAINST DISCRIMINATION; B. Rights of indigenous women

1. It is recognized that indigenous women are particularly vulnerable and helpless, being confronted with twofold discrimination both as women and indigenous people, and also having to deal with a social situation characterized by intense poverty and exploitation. The Government undertakes to take the following measures:

(a) Promote legislation to classify sexual harassment as a criminal offence, considering as an aggravating factor in determining the penalty for sexual offences the fact that the offence was committed against an indigenous woman;

(b) Establish an Office for the Defence of Indigenous Women's Rights, with the participation of such women, including legal advice services and social services; and

(c) Promote the dissemination and faithful implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

2. The communications media and organizations concerned with the promotion of human rights are urged to cooperate in the attainment of the objectives listed in this section.

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Women's Rights &
Gender Issues

Page 4-5; Agreement on identity and rights of indigenous peoples; III. CULTURAL RIGHTS, G. Education reform

4. In order to facilitate access by indigenous people to formal and non-formal education, the system of scholarships and student grants shall be strengthened. Teaching materials containing cultural and gender stereotypes shall also be revised.

Page 16; Agreement on identity and rights of indigenous peoples; IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS; F. Rights relating to land of the indigenous peoples; Legal protection of the rights of indigenous communities

9. In order to facilitate the defence of the aforementioned rights and to protect the communities effectively, the Government undertakes to adopt or promote the following measures:

[...]

(g) Eliminate any form of discrimination against women, in fact or in law, with regard to facilitating access to land, housing, loans and participation in development projects.

Page 6-8; Agreement on Social and Economic Aspects and Agrarian Situation; I. DEMOCRATIZATION AND PARTICIPATORY DEVELOPMENT; B. Participation of women in economic and social development

11. The active participation of women is essential for Guatemala's economic and social development, and the State has a duty to promote the elimination of all forms of discrimination against women.

12. Recognizing women's undervalued contributions in all spheres of economic and social activity, and particularly their efforts towards community improvement, the Parties agree that there is a need to strengthen women's participation in economic and social development on equal terms.

13. To this end, the Government undertakes to take the specific economic and social situation of women into account in its development strategies, plans and programmes, and to train civil servants in analysis and planning based on this approach. This undertaking includes the following:

(a) Recognizing the equal rights of women and men in the home, in the workplace, in the production sector and in social and political life, and ensuring that women have the same opportunities as men, particularly with regard to access to credit, land ownership and other productive and technological resources;

Education and training

(b) Ensuring that women have equal opportunities for education and training in the same conditions as men, and that any form of discrimination against women that may be found in school curricula is eliminated;

Housing

(c) Ensuring that women have equal access to housing of their own by eliminating the obstacles and impediments that affect women in relation to rental property, credit and construction;

Health

(d) Implementing nationwide comprehensive health programmes for women, which involves giving women access to appropriate information, prevention and health care services;

Labour

(e) Guaranteeing women's right to work, which requires:

(i) Using various means to encourage vocational training for women;

(ii) Revising labour legislation to guarantee equality of rights and opportunities between men and women;

(iii) In rural areas, recognizing women as agricultural workers to ensure that their work is valued and remunerated;

(iv) Enacting laws to protect the rights of women who work as household employees, especially in relation to fair wages, working hours, social security and respect for their dignity;

Organization and participation

(f) Guaranteeing women's right to organize and their participation, on the same terms as men, at the senior decision-making levels of local, regional and national institutions;

(g) Promoting women's participation in public administration, especially in the formulation, execution and supervision of government plans and policies;

Legislation

(h) Revising national legislation and regulations to eliminate all forms of discrimination against women in terms of economic, social, cultural and political participation, and to give effect to the government commitments deriving from the ratification of the Convention on the Elimination of All Forms of Discrimination against Women.

Page 19; Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society; VI. THE ROLE OF WOMEN IN STRENGTHENING CIVILIAN POWER

59. In order to increase opportunities for women to participate in the exercise of civilian power, the Government undertakes to:

(a) Set up nationwide public awareness campaigns and educational programmes with a view to increasing public awareness of women's right to participate actively and decisively, both in rural areas and in the cities, in the process of strengthening civilian power, fully and equally and without any discrimination;

(b) Ensure that social and political organizations adopt specific policies to enhance and promote the role of women in the process of strengthening civilian power;

(c) Respect, promote, support and institutionalize women's organizations in rural areas and in the cities;

(d) Ensure that at all times in the exercise of power, women, whether organized or not, are provided with and guaranteed opportunities to participate.

60. The Parties appreciate the work undertaken at the national level by the various women's organizations and encourage them to work together to make their contribution to the process of implementing the agreements on a firm and lasting peace, especially those undertakings most directly related to women.

Page 9; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; II. TIMETABLE FOR THE 90 DAYS FROM 15 JANUARY 1997; E. Agreement on Social and Economic Aspects and the Agrarian Situation

Women's forum

29. Promote the convening of a women's forum on the commitments concerning women's rights and participation set out in the Peace Agreements.

Page 18; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; III. TIMETABLE FROM

15 APRIL TO 31 DECEMBER 1997; D. Agreement on Identity and Rights of Indigenous Peoples; Office for the Defence of Indigenous Women's Rights

85. Set up an Office for the Defence of Indigenous Women's Rights, with the participation of such women, to provide, inter alia, legal advisory- services and social services.

Page 18; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; III. TIMETABLE FROM 15 APRIL TO 31 DECEMBER 1997; E. Agreement on Social and Economic Aspects and the Agrarian Situation; Participation of women in economic and social development

88. Taking into account the results of the forum envisaged in paragraph 29 of this Agreement, follow up the commitments concerning women set out in the Peace Agreements.

Page 30; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; IV. TIMETABLE FOR 1998, 1999 AND 2000; C. Agreement on Social and Economic Aspects and the Agrarian Situation; Participation of women

178. Evaluate the progress made in women's participation and, on this basis, draw up the corresponding plan of action.

Page 5; Comprehensive Agreement on Human Rights; V. GUARANTEES REGARDING FREEDOM OF ASSOCIATION AND FREEDOM OF MOVEMENT

1. Both Parties agree that the freedoms of association and of movement are internationally and constitutionally recognized human rights which must be exercised in accordance with the law and must be fully enjoyed in Guatemala.

Page 6; Comprehensive Agreement on Human Rights; VI. MILITARY CONSCRIPTION

1. Conscription for compulsory military service must not be forced, nor should it be cause for a violation of human rights and, therefore, while military service should continue to be a civic duty and right, it must be just and non-discriminatory.

Page 8; Comprehensive Agreement on Human Rights; X. INTERNATIONAL VERIFICATION BY THE UNITED NATIONS; Functions

12. In verifying the observance of human rights, the mission shall pay particular attention to the rights to life, integrity and security of person, to individual liberty, to due process, to freedom of expression, to freedom of movement, to freedom of association and to political rights.

Page 6-7; Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict; II. GUARANTEES FOR THE RESETTLEMENT OF UPROOTED POPULATION GROUPS

7. The lack of personal documentation for the majority of the uprooted population groups increases their vulnerability and limits their access to basic services and the enjoyment of their civil and political rights. This problem requires urgent solutions. Consequently, the Parties agree that the following steps are necessary:
[...]

10. In accordance with the observance of political rights, the organizational practices of the uprooted populations shall be respected, pursuant to the constitutional framework, for the purpose of strengthening the community organization system and to allow these populations to become agents of

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Civil & Political
Rights

development and manage their own services and infrastructure. It is important to integrate new groups of resettled populations into the municipal system.

Page 4-5; Agreement on identity and rights of indigenous peoples; II. STRUGGLE AGAINST DISCRIMINATION; B. Rights of indigenous women

1. It is recognized that indigenous women are particularly vulnerable and helpless, being confronted with twofold discrimination both as women and indigenous people, and also having to deal with a social situation characterized by intense poverty and exploitation. The Government undertakes to take the following measures:

[...]

Page 11-13; Agreement on identity and rights of indigenous peoples; IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS

A. Constitutional framework

The Government of Guatemala undertakes to promote a reform of the Constitution in order to define and characterize the Guatemalan nation as being of national unity, multi-ethnic, multicultural and multilingual.

B. Local indigenous communities and authorities

1. Recognition is accorded to the importance the Maya and other indigenous communities have had and continue to have in the political, economic, social, cultural and spiritual spheres. Their cohesion and dynamism have enabled the Maya, Garifuna and Xinca peoples to preserve and develop their culture and way of life, despite the discrimination to which they have been subjected.

2. Bearing in mind the constitutional commitment of the State to recognize, respect and promote these forms of organization which are peculiar to the indigenous communities, recognition is accorded to the role of the community authorities that were constituted in accordance with the customary norms of the communities, in the management of their affairs.

3. Recognizing the role of the communities, within the framework of municipal autonomy, in exercising the right of indigenous peoples to determine their own development priorities, particularly in the fields of education, health, culture and the infrastructure, the Government undertakes to strengthen the capacity of such communities in this area.

4. To this end, and in order to promote the participation of the indigenous communities in the decision-making process in all matters which affect them the Government shall promote a reform of the Municipal Code.

5. That reform shall be promoted in accordance with the conclusions adopted by the commission on reform and participation, established in section D, paragraph 4, of this part in the following areas, within the framework of municipal autonomy and the legal provisions granting indigenous communities the right to manage their internal affairs in accordance with their customary norms, as mentioned in section E, paragraph 3, of this part:

[...]

D. Participation at all levels

1. It is recognized that the indigenous peoples have been excluded from the decision-making process in the country's political life, so that it is extremely difficult, if not impossible, for them freely and fully to express their demands and defend their rights.

2. In this connection, it is reaffirmed that the Maya, Garifuna and Xinca peoples have the right to create and manage their own institutions, to control their development and to have a genuine opportunity freely to exercise their political rights. It is also recognized and reaffirmed that the free exercise of these rights gives validity to their institutions and strengthens the unity of the nation.

3. Consequently, it is necessary to institutionalize the representation of indigenous peoples at the local, regional and national levels and to ensure their free participation in the decision-making process in the various areas of national life.

4. The Government undertakes to promote legal and institutional reforms to facilitate, regulate and guarantee such participation. It also undertakes to plan such reforms with the participation of representatives of the indigenous organizations through the establishment of a joint commission on reform and participation, made up of representatives of the Government and of the indigenous organizations.

5. Without limiting its mandate, the commission may consider reforms or measures in the following areas:

(a) Mandatory mechanisms for consultation with the indigenous peoples whenever legislative and administrative measures likely to affect the Maya, Garifuna and Xinca peoples are being considered;

(b) Institutional forms of individual and collective participation in the decision-making process, such as advisory, consultative or other bodies that ensure a permanent dialogue between organs of the State and the indigenous peoples;

(c) Institutions representing the indigenous peoples which defend the interests of the indigenous peoples at the regional and/or national level and which have statutes that ensure their representativity and powers that guarantee the adequate defence and promotion of those interests, including the power to make proposals to the executive and legislative bodies; and

(d) Guarantee of free access by indigenous peoples to the various branches of public service, promoting their appointment to posts within the local, regional and national government administrations whose work most directly concerns their interests or whose activities are limited to predominantly indigenous areas.

Page 9; Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in Democratic Society; IV. EXECUTIVE BRANCH

17. With a view to the strengthening of civilian power and the modernization of the executive branch, the Government undertakes to adopt, when it falls within its purview to do so, and to promote to the Congress, when it falls within the purview of that body to do so, the following measures:

A. Security agenda

19. Within this context, the security of the citizens and the State cannot be dissociated from the citizens' full exercise of their political, economic, social and cultural rights and duties. Social and economic imbalances, poverty and extreme poverty, social and political discrimination and corruption, among others, are risk factors and a direct threat to democratic coexistence, social peace and, hence, to democratic constitutional order.

Page 16-17; Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in Democratic Society; IV. EXECUTIVE BRANCH; E. Information and intelligence

State intelligence-gathering bodies

48. A Civilian Intelligence and Information Analysis Department to be established under the Ministry of the Interior shall be responsible for obtaining information to combat organized crime and ordinary crime, utilizing the means available and acting within the limits allowable under the legal system, and shall ensure full respect for human rights. Citizens who are subject to restrictions on their civil or political rights may not be employed by the Civilian Intelligence and Information Analysis Department.

F. Professionalization of civil servants

55. Article 136 of the Constitution stipulates that the right of Guatemalan citizens to seek public office must be guaranteed. However, only individuals with ability, honesty and integrity are eligible to do so. Accordingly, pursuant to the Agreement on Social and Economic Aspects and Agrarian Situation, the Government shall accord priority to the following activities:
[...]

Page 6; Agreement on Constitutional Reforms and the Electoral Regime; I. CONSTITUTIONAL REFORMS; B. Constitutional reforms included in the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society; Guarantees for the administration of justice

16. Sponsor in the Congress of the Republic an amendment to article 203 of the Constitution which would make an initial express reference to guarantees of the administration of justice and, as such, include:

- (a) free access to the administration of justice in the person's own language;
[...]
- (c) defence counsel for those who cannot afford it;

Page 22; Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca; III. ELEMENTS OF THE INTEGRATION PROGRAMME; B. Political area

34. After the signing of the Agreement on a Firm and Lasting Peace, URNG members, like all other citizens, shall enjoy the full exercise of all their fundamental rights and freedoms (including freedom of organization, movement and residence and the right of political participation) and shall pledge to fulfil all their duties and obligations.

Page 38; Agreement on a firm and lasting peace; I. CONCEPTS

5. Recognition of the identity and rights of indigenous peoples is essential for building a multi-ethnic, multicultural and multilingual country of national unity. Respect for and the exercise of the political, cultural, economic and spiritual rights of all Guatemalans is the foundation for a new coexistence reflecting the diversity of their nation.

7. The genuine participation of citizens - both men and women - from all sectors of society is essential for achieving social justice and economic growth. The State must broaden these opportunities for participation and strengthen its own role as guiding force of national development, lawmaker, source of public investment, provider of basic services and promoter of social consensus and settlement of disputes. To that end, it must raise fiscal revenues and, as a matter of priority, channel public spending towards social investment.

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Economic, Social &
Cultural Rights

Page 4; Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict; I. DEFINITIONS, PRINCIPLES AND OBJECTIVES OF A COMPREHENSIVE STRATEGY FOR RESETTLING THE POPULATIONS UPROOTED BY ARMED CONFLICT; Principles

The Parties agree that a comprehensive solution to the problem of uprooted population groups should be guided by the following principles:

1. Uprooted population groups have the right to reside and live freely in Guatemalan territory. Accordingly, the Government of the Republic undertakes to ensure that conditions exist which permit and guarantee the voluntary return of uprooted persons to their places of origin or to the place of their choice, in conditions of dignity and security.

Page 5; Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict; II. GUARANTEES FOR THE RESETTLEMENT OF UPROOTED POPULATION GROUPS

3. The rights of the various indigenous communities, primarily Mayas, should be taken into account, especially respect for, and encouragement of, their way of life, cultural identity, customs, traditions and social organization.

Page 6-7; Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict; II. GUARANTEES FOR THE RESETTLEMENT OF UPROOTED POPULATION GROUPS

8. An essential element of the resettlement process is legal security in the holding (inter alia, the use, ownership and possession) of land. In that regard, the Parties recognize the existence of a general problem which particularly affects the uprooted population. One of the principal manifestations of legal insecurity is the difficulty of producing evidence of landholding rights. [...]

9. In the particular case of abandonment of land as a result of armed conflict, the Government undertakes to revise and promote legal provisions to ensure that such an act is not considered to be voluntary abandonment, and to ratify the inalienable nature of landholding rights. [...]

Page 8-9; Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict; III. PRODUCTIVE INTEGRATION OF UPROOTED POPULATION GROUPS AND DEVELOPMENT OF RESETTLEMENT AREAS

2. For the identification of land that could be used for resettling uprooted persons who do not own land but wish to acquire it, the Government undertakes to:
[...]

6. Productive integration projects and activities related to the comprehensive resettlement strategy shall take into account the following criteria:
[...]

6.3. Legalization and award of land titles, and of water rights, to provide the necessary framework of security in the use of these basic natural resources;

Page 5-11; Agreement on identity and rights of indigenous peoples; III. CULTURAL RIGHTS

1. Mayan culture is the original basis of Guatemalan culture and, in conjunction with the other indigenous cultures, is an active and dynamic factor in the development and progress of Guatemalan society.

2. The development of the national culture is therefore inconceivable without recognition and promotion of the culture of the indigenous peoples. Thus, in contrast with the past, educational and cultural policy must be oriented to focus on recognition, respect and encouragement of indigenous cultural values. With such recognition of cultural differences in mind, an effort must be made to promote contributions and exchanges that can help to enrich Guatemalan society.

3. The Maya, Garifuna and Xinca peoples are the authors of their cultural development. The role of the State is to support that development by eliminating obstacles to the exercise of this right, adopting the necessary legislative and administrative measures to strengthen indigenous cultural development in all fields covered by the State and ensuring the participation of indigenous persons in decisions on the planning and execution of cultural programmes and projects through their organizations and institutions.
[...]

Page 11-16; Agreement on identity and rights of indigenous peoples; IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS

B. Local indigenous communities and authorities

1. Recognition is accorded to the importance the Maya and other indigenous communities have had and continue to have in the political, economic, social,

cultural and spiritual spheres. Their cohesion and dynamism have enabled the Maya, Garifuna and Xinca peoples to preserve and develop their culture and way of life, despite the discrimination to which they have been subjected.

2. Bearing in mind the constitutional commitment of the State to recognize, respect and promote these forms of organization which are peculiar to the indigenous communities, recognition is accorded to the role of the community authorities that were constituted in accordance with the customary norms of the communities, in the management of their affairs.

3. Recognizing the role of the communities, within the framework of municipal autonomy, in exercising the right of indigenous peoples to determine their own development priorities, particularly in the fields of education, health, culture and the infrastructure, the Government undertakes to strengthen the capacity of such communities in this area.

[...]

F. Rights relating to land of the indigenous peoples

1. The rights relating to land of the indigenous peoples include both the communal or collective and the individual tenure of land, rights of ownership and possession and other real rights, and the use of natural resources for the benefit of the communities without detriment to their habitat. Legislative and administrative measures must be developed to ensure recognition, the awarding of title, protection, recovery, restitution and compensation for those rights.

2. The lack of protection of the rights relating to land and natural resources of the indigenous peoples is part of a very wide-ranging set of problems resulting, inter alia, from the fact that both the indigenous and the non-indigenous peasants have had difficulty in having their rights legalized through the acquisition of title and land registration. When, in exceptional cases, they have been able to have their rights legalized, they have not had access to legal mechanisms to defend them. Since this problem is not exclusive to the indigenous population – although the latter has been particularly affected – it should be dealt with in the context of “Social and economic issues and the agrarian question”, as one of the considerations to be taken into account in connection with the reform of the land tenure structure.

3. However, the situation with regard to the particular lack of protection and plundering of indigenous communal or collectively held lands merits special attention within the framework of this agreement. The Guatemalan Constitution establishes the obligation of the State to give special protection to cooperative, communal or collectively-held lands; recognizes the right of indigenous and other communities to maintain the system of administration of the lands which they hold and which historically belong to them; and lays down the obligation of the State to provide State lands for the indigenous communities which need them for their development.

4. Recognizing the special importance which their relationship to the land has for the indigenous communities, and in order to strengthen the exercise of their collective rights to the land and its natural resources, the Government undertakes to adopt directly, when that is within its competence, and to promote, when that is within the competence of the legislative organ or the municipal authorities, the following measures, inter alia, which shall be implemented in consultation and coordination with the indigenous communities concerned.

Regularization of the land tenure of indigenous communities

5. The Government shall adopt or promote measures to regularize the legal situation with regard to the communal possession of lands by communities which do not have the title deeds to those lands, including measures to award title to municipal or national lands with a clear communal tradition. To that end, an inventory of the land tenure situation shall be drawn up in each municipality.

Land tenure and use and administration of natural resources

6. The Government shall adopt or promote the following measures:

(a) Recognize and guarantee the right of access to lands and resources which are not occupied exclusively by communities but to which the latter have historically had access for their traditional activities and their subsistence (rights of way, such as passage, wood-cutting, access to springs, etc., and use of natural resources) and for their spiritual activities;

(b) Recognize and guarantee the right of communities to participate in the use, administration and conservation of the natural resources existing in their lands;

(c) Secure the approval of the indigenous communities prior to the implementation of any project for the exploitation of natural resources which might affect the subsistence and way of life of the communities. The communities affected shall receive fair compensation for any loss which they may suffer as a result of these activities; and

(d) Adopt, in cooperation with the communities, the measures necessary for the protection and preservation of the environment.

Acquisition of land for the development of indigenous communities

8. The Government shall take the necessary measures, without detriment to peasant smallholdings, to discharge its constitutional mandate to provide State lands for the indigenous communities which need them for their development.

Legal protection of the rights of indigenous communities

9. In order to facilitate the defense of the aforementioned rights and to protect the communities effectively, the Government undertakes to adopt or promote the following measures:

(a) Develop legal rules recognizing the right of indigenous communities to administer their lands in accordance with their customary norms;

(b) Promote an increase in the number of courts dealing with land cases and expedite procedures for the settlement of those cases;

(c) Urge faculties of law and the social sciences to strengthen the agrarian law component of the curriculum and include a knowledge of the relevant customary norms;

(d) Establish competent legal advisory services to advise on land claims;

(e) Provide the indigenous communities with the services of interpreters, free of charge, in respect of legal matters;

(f) Promote the widest dissemination, within indigenous communities, of information about land rights and the legal recourses available; and

(g) Eliminate any form of discrimination against women, in fact or in law, with regard to facilitating access to land, housing, loans and participation in development projects.

10. The Government undertakes to give the fulfillment of the undertakings set out in this section F the priority which the situation of insecurity and urgency that characterize the land problems of the indigenous communities deserves. To that end, the Government shall, in consultation with the indigenous peoples, establish a joint commission on the rights relating to land of the indigenous peoples to study, devise and propose more appropriate institutional arrangements and procedures. The commission shall be composed of representatives of the Government and of indigenous organizations.

Page 8; Agreement on Social and Economic Aspects and Agrarian Situation; II. SOCIAL DEVELOPMENT

State responsibilities

16. The State has inescapable obligations in the task of correcting social inequities and deficiencies, both by steering the course of development and by making public investments and providing universal social services. Likewise, the State has the specific obligations, imposed by constitutional mandate, of

ensuring the effective enjoyment, without discrimination of any kind, of the right to work, health, education and housing, as well as other social rights. The historical social imbalances experienced in Guatemala must be corrected, and peace must be consolidated, through decisive policies which are implemented by both the State and society as a whole.

The State's leadership role

19. To meet this objective and to enable the State to play its leadership role in social policy, the Government undertakes to:

(a) Apply and develop the regulatory framework to guarantee the exercise of social rights and provide social services through public entities and, where necessary, through semi-public or private entities, and supervise the adequate provision of such services;

Page 13; Agreement on Social and Economic Aspects and Agrarian Situation; II. SOCIAL DEVELOPMENT; B. Health

23. The Parties agree on the need to promote a reform of the national health sector. This reform should be aimed at ensuring effective exercise of the fundamental right to health, without any discrimination whatsoever, and the effective performance by the State, which would be provided with the necessary resources, of its obligation with regard to health and social welfare. Some of the main points of this reform are as follows:

[...]

Page 9; Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in Democratic Society; IV. EXECUTIVE BRANCH; A. Security agenda

19. Within this context, the security of the citizens and the State cannot be dissociated from the citizens' full exercise of their political, economic, social and cultural rights and duties. Social and economic imbalances, poverty and extreme poverty, social and political discrimination and corruption, among others, are risk factors and a direct threat to democratic coexistence, social peace and, hence, to democratic constitutional order.

Page 3; Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society

Whereas:

[...]

Together with the agreements already signed, this Agreement seeks to create the conditions for genuine reconciliation among the people of Guatemala, based upon respect for human rights and the diversity of its peoples and on their shared determination to overcome the lack of social, economic and political opportunities, which undermines democratic coexistence and restricts the development of the nation,

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Victims &
Reparations

Page 6; Comprehensive Agreement on Human Rights; VIII. COMPENSATION AND/OR ASSISTANCE TO THE VICTIMS OF HUMAN RIGHTS VIOLATIONS

1. The Parties recognize that it is a humanitarian duty to compensate and/or assist victims of human rights violations. Said compensation and/or assistance shall be effected by means of government measures and programmes of a civilian and socio-economic nature addressed, as a matter of priority, to those whose need is greatest, given their economic and social position.

Page 7; Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict; II. GUARANTEES FOR THE RESETTLEMENT OF UPROOTED POPULATION GROUPS

9. In the particular case of abandonment of land as a result of armed conflict, the Government undertakes to revise and promote legal provisions to ensure

that such an act is not considered to be voluntary abandonment, and to ratify the inalienable nature of landholding rights.

In this context, it shall promote the return of land to the original holders and/or shall seek adequate compensatory solutions.

Page 13; Agreement on the establishment of the Commission to clarify past human rights violations and acts of violence that have caused the Guatemalan population to suffer; Purposes

III. Formulate specific recommendations to encourage peace and national harmony in Guatemala. The Commission shall recommend, in particular, measures to preserve the memory of the victims, to foster a culture of mutual respect and observance of human rights and to strengthen the democratic process.

Page 15-16; Agreement on identity and rights of indigenous peoples; IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS; F. Rights relating to land of the indigenous peoples

1. The rights relating to land of the indigenous peoples include both the communal or collective and the individual tenure of land, rights of ownership and possession and other real rights, and the use of natural resources for the benefit of the communities without detriment to their habitat. Legislative and administrative measures must be developed to ensure recognition, the awarding of title, protection, recovery, restitution and compensation for those rights.

[...]

Restitution of communal lands and compensation for rights

7. Recognizing the particularly vulnerable situation of the indigenous communities, which have historically been the victims of land plundering, the Government undertakes to institute proceedings to settle the claims to communal lands formulated by the communities and to restore or pay compensation for those lands. In particular, the Government shall adopt or promote the following measures:

[...]

(c) When the statute of limitations has already expired, however, establish procedures to compensate the communities which have been plundered with lands acquired for that purpose.

Page 24; Agreement on Social and Economic Aspects and Agrarian Situation; III. AGRARIAN SITUATION AND RURAL DEVELOPMENT; E. Legal framework and juridical security; Prompt settlement of land conflicts

(f) [...] In addition, to establish procedures that will make it possible:

[...]

(ii) To reinstate or compensate, as appropriate, the State, municipalities, communities or individuals when their land has been usurped or has been allocated in an irregular or unjustified manner involving abuse of authority;

Page 19; Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca; III. ELEMENTS OF THE INTEGRATION PROGRAMME; A. Legal area

National Reconciliation Act

17. The Government shall sponsor in the Congress of the Republic a draft National Reconciliation Act whose object shall be, in accordance with the spirit and content of the Peace Agreements, to promote a culture of harmony and mutual respect that will eliminate any form of revenge or vengeance, while safeguarding the fundamental rights of the victims, as prerequisites for a firm and lasting peace.

The right of redress

19. On the principle that any violation of human rights entitles the victim to obtain redress and imposes on the State the duty to make reparation, the Act shall assign to a State body responsibility for implementing a public policy of compensation for and/or assistance to the victims of human rights violations. The body in question shall take into consideration the recommendations to be formulated in that regard by the Clarification Commission.

Page 25; Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca; III. ELEMENTS OF THE INTEGRATION PROGRAMME; F. Special subprogrammes

54. The Government undertakes to cooperate with the Clarification Commission on matters relating to the issue of detained and disappeared URNG members and to contribute whatever resources, relevant measures and information might lead to the recovery of the remains of URNG members, including URNG combatants who died in combat.

Page 7; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; II. TIMETABLE FOR THE 90 DAYS FROM 15 JANUARY 1997; Compensation for and/or assistance to victims of human rights violations,

10. Establish the State body responsible for public policy regarding compensation for and/or assistance to victims of human rights violations, and present a compensation programme.

Page 16; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; III. TIMETABLE FROM 15 APRIL TO 31 DECEMBER 1997; A. Comprehensive Agreement on Human Rights; Compensation

70. Put into effect the programme of compensation for and/or assistance to victims of human rights violations and sponsor the relevant legislation, taking into account the recommendations of the Clarification Commission.

Page 37; Agreement on a firm and lasting peace; I. CONCEPTS

3. Population groups uprooted by the armed conflict have the right to reside and live freely in Guatemalan territory. The Government of the Republic undertakes to ensure their return and resettlement in conditions of dignity and security.

Page 8; Comprehensive Agreement on Human Rights; X. INTERNATIONAL VERIFICATION BY THE UNITED NATIONS; Functions

13. In the performance of its functions the mission shall take into account the situation of the most vulnerable groups of society and to the population directly affected by the armed confrontation (including displaced persons, refugees and returnees).

Page 3-12; Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict

Preamble

[...]

Considering the national, traumatic dimensions of the uprooting that occurred during the armed conflict in the country, in human, cultural, material, psychological, economic, political and social terms, which caused violations of human rights and great suffering in the communities which were forced to abandon their homes and ways of life, and in the populations which remained in those areas,

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Refugees &
Internally Displaced
Persons

Considering the commitment of the Government of Guatemala and of the Unidad Revolucionaria Nacional Guatemalteca to contribute constructively, together with the rest of Guatemalan society, to finding a lasting solution and to facilitating the process of resettling the uprooted population groups in a framework of social justice, democratization and sustained, sustainable and equitable national development,

Considering that the resettlement of these uprooted population groups should be a dynamic factor in the economic, social, political and cultural development of the country and, consequently, an important component of a firm and lasting peace,

Recognizing the indispensable role of the participation of the affected population groups in taking decisions concerning the design and implementation of an effective resettlement strategy,
[...]

I. DEFINITIONS, PRINCIPLES AND OBJECTIVES OF A COMPREHENSIVE STRATEGY FOR RESETTLING THE POPULATIONS UPROOTED BY ARMED CONFLICT

Definitions

1. For the purposes of this Agreement, the term "uprooted population" shall include all persons who have been uprooted for reasons connected with the armed conflict, whether they live within or outside Guatemala, and shall include, in particular, refugees, returnees and internally displaced persons, either dispersed or in groups, including popular resistance groups.

2. "Resettlement" shall mean the legal process of return of uprooted population groups and individuals to their place of origin or another place of their choice in Guatemalan territory, and their relocation and integration therein, in accordance with the Political Constitution of the Republic of Guatemala.

Principles

The Parties agree that a comprehensive solution to the problem of uprooted population groups should be guided by the following principles:

1. Uprooted population groups have the right to reside and live freely in Guatemalan territory. Accordingly, the Government of the Republic undertakes to ensure that conditions exist which permit and guarantee the voluntary return of uprooted persons to their places of origin or to the place of their choice, in conditions of dignity and security.

2. Full respect for the human rights of the uprooted population shall be an essential condition for the resettlement of this population.

3. Uprooted population groups deserve special attention, in view of the consequences they have suffered from being uprooted, through the implementation of a comprehensive, exceptional strategy which ensures, in the shortest possible time, their relocation in conditions of security and dignity and their free and full integration into the social, economic and political life of the country.

4. Uprooted population groups shall participate in decision-making concerning the design, implementation and supervision of the comprehensive resettlement strategy and its specific projects. This participatory principle shall extend to population groups residing in resettlement areas in all aspects concerning them.

5. A comprehensive strategy will be possible only within the perspective of a sustained, sustainable and equitable development of the resettlement areas for the benefit of all the population groups and individuals residing in them in the framework of a national development plan.

6. The implementation of the strategy shall not be discriminatory and shall promote the reconciliation of the interests of the resettled population groups and the population groups already living in the resettlement areas.

Objectives

The comprehensive resettlement strategy shall have the following objectives:

1. To ensure that the uprooted population groups fully enjoy all their rights and fundamental freedoms, in particular those rights and freedoms which were affected during the uprooting process;
2. To reintegrate the uprooted population groups, which were socially, economically and politically marginalized, and create the conditions that would allow them to be a dynamic factor in the economic, social, political and cultural development of the country;
3. To give priority to the fight against poverty and extreme poverty, which have had a particularly serious effect on areas where the population has been uprooted, and which largely correspond to the resettlement areas;
4. To develop and strengthen the democratization of State structures, ensuring that the constitutional rights and duties of the uprooted population groups are respected at the community, municipal, departmental, regional and national levels;
5. To promote genuine reconciliation, fostering a culture of peace in the resettlement areas and at the national level based on participation, mutual tolerance, reciprocal respect and commonality of interests.

II. GUARANTEES FOR THE RESETTLEMENT OF UPROOTED POPULATION GROUPS

In conformity with past resettlement initiatives and activities, particularly the letter of understanding between the Government and the Office of the United Nations High Commissioner for Refugees and the agreement of 8 October 1992 between the Government and the Standing Committees of Refugees, with its ad hoc verification mechanism, the Parties have agreed as follows:

1. Full respect for human rights and fundamental freedoms is essential for the security and dignity of resettlement processes. The Parties reiterate their decision to comply fully with the Comprehensive Agreement on Human Rights, which took effect on 29 March 1994, promoting respect for the human rights of uprooted populations, one of the vulnerable sectors which deserve particular attention, with special vigilance.
2. Special emphasis should be placed on protecting female-headed families and widows and orphans, who have been the most seriously affected.
3. The rights of the various indigenous communities, primarily Mayas, should be taken into account, especially respect for, and encouragement of, their way of life, cultural identity, customs, traditions and social organization.
4. Concerned about the security of those who are being resettled or who live in the zones affected by the conflict, the Parties recognize the urgent need to remove all types of mines or explosive devices buried or abandoned in these areas, and they commit themselves to cooperate fully in these activities.
5. In view of the efforts being made by uprooted communities to improve the level of education of their people and of the need to support and provide continuity to this process, the Government undertakes to:
 - 5.1. Recognize the formal and informal educational levels of uprooted persons, through the use of rapid evaluation and/or certification procedures;
 - 5.2. Recognize the informal studies of education and health promoters and grant them, following an appropriate evaluation, equivalent credit.
6. The Parties request the United Nations Educational, Scientific and Cultural Organization (UNESCO) to elaborate a specific plan to support and provide continuity to efforts to educate the population groups in the resettlement areas, including providing continuity to the efforts being made by the uprooted communities.
7. The lack of personal documentation for the majority of the uprooted population groups increases their vulnerability and limits their access to basic

services and the enjoyment of their civil and political rights. This problem requires urgent solutions. Consequently, the Parties agree that the following steps are necessary:

7.1. In order to arrange for the documentation of uprooted persons as soon as possible, the Government, with the cooperation of the international community, shall intensify its efforts to streamline the necessary mechanisms, taking into account, where appropriate, the registers kept by the uprooted communities themselves;

7.2. Decree No. 70-91, a provisional act concerning replacement and registration of birth certificates in civil registers destroyed by violence, shall be revised so as to establish a system adapted to the needs of all the affected population groups, with streamlined, free-of-charge registration procedures. For such purposes, the views of the affected sectors shall be taken into account. Personal documentation and identification shall be completed as soon as possible;

7.3. The necessary administrative rules to streamline formalities to ensure that children of uprooted persons born outside the country are registered as native Guatemalans, in compliance with article 144 of the Constitution of the Republic, shall be promulgated;

7.4. For the implementation of this documentation programme, the Government shall request the cooperation of the United Nations and the international community.

8. An essential element of the resettlement process is legal security in the holding (inter alia, the use, ownership and possession) of land. In that regard, the Parties recognize the existence of a general problem which particularly affects the uprooted population. One of the principal manifestations of legal insecurity is the difficulty of producing evidence of landholding rights. This situation stems, inter alia, from problems concerning registration, the disappearance of the files of the Instituto Nacional de Transformación Agraria (INTA), the institutional weakness of specialized bodies and municipalities; the existence of rights based on customary systems for the holding and surveying of land; the existence of secondary occupants or the annulment of rights on the basis of the improper application of provisions concerning voluntary abandonment.

9. In the particular case of abandonment of land as a result of armed conflict, the Government undertakes to revise and promote legal provisions to ensure that such an act is not considered to be voluntary abandonment, and to ratify the inalienable nature of landholding rights. In this context, it shall promote the return of land to the original holders and/or shall seek adequate compensatory solutions.

10. In accordance with the observance of political rights, the organizational practices of the uprooted populations shall be respected, pursuant to the constitutional framework, for the purpose of strengthening the community organization system and to allow these populations to become agents of development and manage their own services and infrastructure. It is important to integrate new groups of resettled populations into the municipal system.

11. The Parties recognize the humanitarian work of non-governmental organizations and churches which are supporting the resettlement processes. The Government shall safeguard their security.

12. The Government undertakes to strengthen its policy for protecting citizens abroad, especially uprooted population groups residing abroad for reasons related to the armed conflict. It shall also ensure the voluntary resettlement of this population group in conditions of security and dignity. With regard to uprooted persons who desire to remain abroad, the Government shall take the necessary steps and conduct the necessary negotiations with the host countries so as to ensure that the migrants are living in a stable situation.

III. PRODUCTIVE INTEGRATION OF UPROOTED POPULATION GROUPS AND DEVELOPMENT OF RESETTLEMENT AREAS

The Parties agree that a comprehensive resettlement strategy presupposes the productive integration of the uprooted population into the framework of a

sustained, sustainable and equitable development policy in the resettlement areas and regions that will benefit all the population groups living there. This productive integration policy shall be based on the following criteria and measures:

[...]

IV. RESOURCES AND INTERNATIONAL COOPERATION

1. The Parties recognize that the responsibility for solving the problems of resettling the uprooted population falls on the entire Guatemalan society, and not on the Government alone. Broad sectors of Guatemalan society must unite their efforts to ensure its success.

[...]

V. INSTITUTIONAL ARRANGEMENTS

1. The agreements contained in the comprehensive resettlement strategy shall be implemented through the execution of specific projects.

[...]

Page 4; Agreement on Social and Economic Aspects and Agrarian Situation; I. DEMOCRATIZATION AND PARTICIPATORY DEVELOPMENT; A. Participation and consensus-building

4. In this spirit, and in line with the agreements already concluded on the resettlement of the population groups uprooted by the armed conflict and on identity and rights of indigenous peoples, the Parties agree on the importance of establishing or strengthening mechanisms allowing the citizens and different social groups to exercise their rights effectively and participate fully in decision-making on the various matters affecting or involving them, with full awareness of both their individual and collective obligations to society, which they will fulfil responsibly.

Page 12; Agreement on Social and Economic Aspects and Agrarian Situation; II. SOCIAL DEVELOPMENT; A. Education and training

22. In response to the country's needs in the field of education, the Government undertakes to:

[...]

Educational outreach workers

(l) Pursuant to the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict and the Agreement on Identity and Rights of Indigenous Peoples, community educational outreach workers shall be incorporated into the national education system, and due regard shall be given to suitable curricula for indigenous communities and uprooted population groups.

Page 23-24; Agreement on Social and Economic Aspects and Agrarian Situation; III. AGRARIAN SITUATION AND RURAL DEVELOPMENT; E. Legal framework and juridical security

37. Guatemala is in need of reform of the juridical framework of agriculture and institutional development in the rural sector so that an end can be put to the lack of protection and dispossession from which small farmers, and in particular indigenous peoples, have suffered, so as to permit full integration of the rural population into the national economy and regulate land use in an efficient and environmentally sustainable manner in accordance with development needs. To this end, and taking into account in all cases the provisions of the Agreement on Identity and Rights of Indigenous Peoples, the Government undertakes to:

[...]

Prompt settlement of land conflicts

(f) To establish and apply flexible judicial or non-judicial procedures for the settlement of disputes relating to land and other natural resources (in

particular, direct settlement and conciliation), taking into account the provisions of the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict and the Agreement on Identity and Rights of Indigenous People. In addition, to establish procedures that will make it possible:

[...]

(g) Regulate the award of title to the lands of indigenous communities and beneficiaries of the Guatemalan Institute for Agrarian Reform who are in lawful possession of the land assigned to them;

Page 5; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; I. PRESENTATION OF THE TIMETABLE; Content of the phases

4. Based on the above, the main, but not sole, emphasis in each phase shall be on the following:

[...]

(iii) Carrying out other types of action linked to the consequences of the armed conflict, such as developing the programme for compensating victims and continuing to care for refugees and displaced persons;

Page 7-8; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; II. TIMETABLE FOR THE 90 DAYS FROM 15 JANUARY 1997; B. Agreement, on Resettlement of the Population Groups Uprooted by the Armed Conflict

Documentation

11. Sponsor in the Congress of the Republic the necessary amendments to the Act on the Personal Documentation of the Population Uprooted by the Internal Armed Conflict (Decree 73-95). Such amendments, in addition to solving the documentation problems of uprooted population groups, shall resolve the lack of personal documentation of URNG members. The Congress of the Republic shall be asked to consider and resolve this issue in the two months following the introduction of the corresponding initiative.

Identification of land for the resettlement of uprooted persons

12. Present existing studies concerning State, municipal and private land with an option to buy (location, legal regime, acquisition, size, boundaries and agricultural suitability), for the purpose of resettling uprooted population groups.

Fund for the Resettlement of Uprooted Population Groups

14. Establish a fund for the implementation of the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict.

Plan for the education of uprooted population groups

15. Request the United Nations Educational, Scientific and Cultural Organization (UNESCO) to submit a specific plan for the education of uprooted population groups.

Resettlement of uprooted population groups

16. Speed up the ongoing negotiations between the Government, refugees and displaced persons to ensure the voluntary return of uprooted persons to their place of origin, or to a location of their choice, in dignity and safely.

Page 16-17; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; III. TIMETABLE FROM 15 APRIL TO 31 DECEMBER 1997; B. Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict

Identification of land for the resettlement of uprooted persons

74. Conduct further studies to identify State, municipal and private land with an option to buy, for the purpose of resettling uprooted population groups,

Resettlement

75. Conclude the planning and/or resolution of the processes of return and transfer for the resettlement of uprooted population groups, based on their freely expressed wishes and decisions.

Documentation

76. Step up the personal documentation process for all those who do not have such documentation, particularly uprooted population groups and URNG members, including formal registration of the children of uprooted persons and URNG members born abroad.

Productive integration of uprooted population groups

77. Undertake productive integration programmes, as part of a policy of sustainable development with equity, in resettlement areas and regions. See "Agreement on Social and Economic Aspects and the Agrarian Situation", paragraphs 102, 103 and 106 of this Agreement.

Page 21; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; III. TIMETABLE FROM 15 APRIL TO 31 DECEMBER 1997; E. Agreement on Social and Economic Aspects and the Agrarian Situation; Prompt settlement of land disputes

108. Taking into account the commitments made in the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict and the Agreement on Identity and Rights of Indigenous Peoples and the recommendations on the Joint Commission on Rights relating to Indigenous Peoples' Land, the Government undertakes to establish and apply flexible procedures for the settlement of disputes over land and other natural resources (in particular, direct settlement and conciliation). In addition, it shall establish procedures for defining formulas for compensation in the case of land disputes and claims in which farmers, small farmers and communities in a situation of extreme poverty have been or may be dispossessed for reasons not attributable to them. The uprooted population will require special attention in this connection.

Page 24; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; IV. TIMETABLE FOR 1998, 1999 AND 2000; A. Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict; Protection of Guatemalan nationals outside the country

138. Strengthen the policy of ensuring protection for Guatemalan nationals outside the country, especially members of the uprooted population living abroad, and make the necessary arrangements with host countries to ensure that this population has stable immigrant status.

Page 37; Agreement on a firm and lasting peace; I. CONCEPTS

4. The Guatemalan people are entitled to know the full truth about the human rights violations and acts of violence that occurred in the context of the internal armed conflict. Shedding light objectively and impartially on what happened will contribute to the process of national reconciliation and democratization in the country.

Page 13-16; Agreement on the establishment of the Commission to clarify past human rights violations and acts of violence that have caused the Guatemalan population to suffer

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Truth &
Reconciliation
Commission

Whereas the present-day history of our country is marked by grave acts of violence, disregard for the fundamental rights of the individual and suffering of the population connected with the armed conflict;

Whereas the people of Guatemala have a right to know the whole truth concerning these events, clarification of which will help avoid a repetition of these sad and painful events and strengthen the process of democratization in Guatemala;

Reiterating its wish to comply fully with the Comprehensive Agreement on Human Rights of 29 March 1994;

Reiterating its wish to open as soon as possible a new chapter in Guatemala's history which, being the culmination of a lengthy process of negotiation, will put an end to the armed conflict and help lay the bases for peaceful coexistence and respect for human rights among Guatemalans;

Whereas, in this context, promotion of a culture of harmony and mutual respect that will eliminate any form of revenge or vengeance is a prerequisite for a firm and lasting peace,

The Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (hereafter referred to as "the Parties") have agreed as follows:

To establish a Commission whose terms of reference shall be as follows:

Purposes

I. To clarify with all objectivity, equity and impartiality the human rights violations and acts of violence that have caused the Guatemalan population to suffer, connected with the armed conflict.

II. To prepare a report that will contain the findings of the investigations carried out and provide objective information regarding events during this period covering all factors, internal as well as external.

III. Formulate specific recommendations to encourage peace and national harmony in Guatemala. The Commission shall recommend, in particular, measures to preserve the memory of the victims, to foster a culture of mutual respect and observance of human rights and to strengthen the democratic process.

Period covered

The Commission's investigations shall cover the period from the start of the armed conflict until the signing of the firm and lasting peace agreement.

Operation

I. The Commission shall receive particulars and information from individuals or institutions that consider themselves to be affected and also from the Parties.

II. The Commission shall be responsible for clarifying these situations fully and in detail. In particular, it shall analyse the factors and circumstances involved in those cases with complete impartiality. The Commission shall invite those who may be in possession of relevant information to submit their version of the incidents. Failure of those concerned to appear shall not prevent the Commission from reaching a determination on the cases.

III. The Commission shall not attribute responsibility to any individual in its work, recommendations and report nor shall these have any judicial aim or effect.

IV. The Commission's proceedings shall be confidential so as to guarantee the secrecy of the sources and the safety of witnesses and informants.

V. Once it is established, the Commission shall publicize the fact that it has been established and the place where it is meeting by all possible means, and shall invite interested parties to present their information and their testimony.

Composition

The Commission shall consist of the following three members:

(i) The present Moderator of the peace negotiations, whom the Secretary-General of the United Nations shall be asked to appoint.

(ii) One member, a Guatemalan of irreproachable conduct, appointed by the Moderator with the agreement of the Parties.

(iii) One academic selected by the Moderator, with the agreement of the Parties, from a list proposed by the University presidents.

The Commission shall have whatever support staff it deems necessary, with the requisite qualifications, in order to carry out its tasks.

Installation and duration

The Commission shall be set up, installed and shall start to work as of the day the firm and lasting peace agreement is signed. The Commission shall work for a period of six months starting from the date of its installation; this period may be extended for a further six months if the Commission so decides.

Report

The Commission shall prepare a report which shall be handed over to the parties and to the Secretary-General of the United Nations who shall publish it. Inability to investigate all the cases or situations presented to the Commission shall not detract from the report's validity.

Commitment of the Parties

The Parties undertake to collaborate with the Commission in all matters that may be necessary for the fulfillment of its mandate. In particular, they undertake to establish, prior to setting up the Commission and during its operations, the necessary conditions so that the Commission may fulfill the terms of reference established in the present agreement.
[...]

Page 19; Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca; III. ELEMENTS OF THE INTEGRATION PROGRAMME; A. Legal area; National Reconciliation Act

The right to know the truth

18. In recognition of the inalienable right of any society to know the truth, the National Reconciliation Act shall instruct the Commission to Clarify Past Human Rights Violations and Acts of Violence that Have Caused the Guatemalan Population to Suffer (the "Clarification Commission") to devise means whereby the truth about the period of the internal armed conflict may be known and acknowledged, in order to avoid a repetition of such events. The Act shall require all State bodies and entities to provide the Commission with the support necessary for the accomplishment of its tasks, in accordance with the purposes specified in the relevant agreement.

Page 37; Agreement on a firm and lasting peace; I. CONCEPTS

4. The Guatemalan people are entitled to know the full truth about the human rights violations and acts of violence that occurred in the context of the internal armed conflict. Shedding light objectively and impartially on what happened will contribute to the process of national reconciliation and democratization in the country.

Page 5; Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict; I. DEFINITIONS, PRINCIPLES AND OBJECTIVES OF A COMPREHENSIVE STRATEGY FOR RESETTLING THE POPULATIONS UPROOTED BY ARMED CONFLICT; Objectives

The comprehensive resettlement strategy shall have the following objectives:

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Reconciliation

[...]

5. To promote genuine reconciliation, fostering a culture of peace in the resettlement areas and at the national level based on participation, mutual tolerance, reciprocal respect and commonality of interests.

Page 3; Agreement on Constitutional Reforms and the Electoral Regime; I. CONSTITUTIONAL REFORMS

Whereas on 24 April 1991, the process of direct negotiation began between the Government of the Republic of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG), the Parties having pledged that the political agreements reached would reflect the legitimate aspirations of all Guatemalans and would be drawn up in accordance with the constitutional framework in force and with the El Escorial agreements, in which URNG and the country's political parties had pledged to promote such reforms of the Political Constitution of the Republic as were necessary for the reconciliation of all Guatemalans, the ending of the internal armed conflict, the peaceful solution of the nation's problems by political means and full respect for and application of the law,

Whereas the constitutional reforms contained in this Agreement constitute a substantive, fundamental basis for the reconciliation of Guatemalan society within the framework of the rule of law, democratic coexistence, full observance of and strict respect for human rights, an end to impunity and, at the national level, the institutionalization of a culture of peace based upon mutual tolerance and respect, shared interests and the broadest possible public participation in all structures of power,

Page 15; Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca; [Untitled Preamble]

Recognizing that Guatemalan society needs to develop conditions conducive to reconciliation and lasting governability,
[...]

Recognizing that the legal integration of members of URNG, in full exercise of their constitutional rights and duties and in security and dignity, will contribute to the democratic process and its consolidation, the restoration of the social fabric in Guatemala, reconciliation and the establishment of a firm and lasting peace,

Page 19-20; Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca; III. ELEMENTS OF THE INTEGRATION PROGRAMME; A. Legal area

National Reconciliation Act

17. The Government shall sponsor in the Congress of the Republic a draft National Reconciliation Act whose object shall be, in accordance with the spirit and content of the Peace Agreements, to promote a culture of harmony and mutual respect that will eliminate any form of revenge or vengeance, while safeguarding the fundamental rights of the victims, as prerequisites for a firm and lasting peace.

The right to know the truth

18. In recognition of the inalienable right of any society to know the truth, the National Reconciliation Act shall instruct the Commission to Clarify Past Human Rights Violations and Acts of Violence that Have Caused the Guatemalan Population to Suffer (the "Clarification Commission") to devise means whereby the truth about the period of the internal armed conflict may be known and acknowledged, in order to avoid a repetition of such events. The Act shall require all State bodies and entities to provide the Commission with the support necessary for the accomplishment of its tasks, in accordance with the purposes specified in the relevant agreement.

Extinction of criminal liability

20. With a view to promoting national reconciliation, without neglecting the need to combat impunity, the National Reconciliation Act shall contain a clause allowing URNG members to be integrated into lawful life.

Political crimes
[...]

Related common crimes
[...]

Other extinctions of criminal liability
[...]

Restrictions
[...]

Page 22; Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca; III. ELEMENTS OF THE INTEGRATION PROGRAMME; B. Political area

33. The Parties undertake to promote a climate of tolerance, openness and plurality which will foster reconciliation and understanding.

Page 6; Comprehensive Agreement on Human Rights; IX. HUMAN RIGHTS AND INTERNAL ARMED CONFRONTATION

1. Until such time as the firm and lasting peace agreement is signed, both Parties recognize the need to put a stop to suffering of the civilian population and to respect the human rights of those wounded, captured and those who have remained out of combat.

Page 8; Comprehensive Agreement on Human Rights; X. INTERNATIONAL VERIFICATION BY THE UNITED NATIONS; Functions

13. In the performance of its functions the mission shall take into account the situation of the most vulnerable groups of society and to the population directly affected by the armed confrontation (including displaced persons, refugees and returnees).

Page 5-6; Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict; II. GUARANTEES FOR THE RESETTLEMENT OF UPROOTED POPULATION GROUPS

1. Full respect for human rights and fundamental freedoms is essential for the security and dignity of resettlement processes. The Parties reiterate their decision to comply fully with the Comprehensive Agreement on Human Rights, which took effect on 29 March 1994, promoting respect for the human rights of uprooted populations, one of the vulnerable sectors which deserve particular attention, with special vigilance.

2. Special emphasis should be placed on protecting female-headed families and widows and orphans, who have been the most seriously affected.

7. The lack of personal documentation for the majority of the uprooted population groups increases their vulnerability and limits their access to basic services and the enjoyment of their civil and political rights. This problem requires urgent solutions. Consequently, the Parties agree that the following steps are necessary:
[...]

7.3. The necessary administrative rules to streamline formalities to ensure that children of uprooted persons born outside the country are registered as native Guatemalans, in compliance with article 144 of the Constitution of the Republic, shall be promulgated;

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Protection
Measures

Page 4; Agreement on Social and Economic Aspects and Agrarian Situation; I. DEMOCRATIZATION AND PARTICIPATORY DEVELOPMENT; A. Participation and consensus-building

3. In addition to representing a factor in democratization, citizen participation in economic and social development is essential in order to promote productivity and economic growth, achieve a more equitable distribution of wealth and train human resources. It ensures transparency in public policies and their orientation towards the common good rather than special interests, the effective protection of the interests of the most vulnerable groups, efficiency in providing services and, consequently, the integral development of the individual.

Page 13; Agreement on Social and Economic Aspects and Agrarian Situation; II. SOCIAL DEVELOPMENT; B. Health

23. The Parties agree on the need to promote a reform of the national health sector. This reform should be aimed at ensuring effective exercise of the fundamental right to health, without any discrimination whatsoever, and the effective performance by the State, which would be provided with the necessary resources, of its obligation with regard to health and social welfare. Some of the main points of this reform are as follows:
[...]

Priority care

(d) The system would give priority to efforts to fight malnutrition and to promote environmental sanitation, preventive health care and primary health care, especially maternal and child care. The Government undertakes to allocate at least 50 per cent of public health expenditure to preventive care and undertakes to cut the 1995 infant and maternal mortality rate in half by the year 2000. In addition, the Government undertakes to maintain the certification of eradication of poliomyelitis, and to eradicate measles by the year 2000;

Page 14; Agreement on Social and Economic Aspects and Agrarian Situation; II. SOCIAL DEVELOPMENT; C. Social security

24. Social security is a mechanism for expressing human solidarity and promoting the common good, laying the foundations for stability, economic development, national unity and peace. Under the Political Constitution of the Republic, the Guatemalan Social Security Institute, an autonomous body, administers the social security system. The Parties consider that appropriate measures should be taken to expand its coverage and increase its benefits and the quality and efficiency of its services. To that end, the following should be taken into account:
[...]

(b) Under the International Labour Organization convention ratified by Guatemala, social security should include programmes for medical care and benefits in the areas of sickness, maternity, disability, old age, survival, job-related accidents and illnesses, employment and family welfare;

Page 17; Agreement on Social and Economic Aspects and Agrarian Situation; II. SOCIAL DEVELOPMENT; E. Work; Protective labour legislation

(d) Decentralize and expand labour inspection services, strengthening the capacity to monitor compliance with the labour norms of domestic law and those derived from the international labour agreements ratified by Guatemala, paying particular attention to monitoring compliance with the labour rights of women, migrant and temporary agricultural workers, household workers, minors, the elderly, the disabled and other workers who are in a more vulnerable and unprotected situation;

Page 4-5; Agreement on Constitutional Reforms and the Electoral Regime; I. CONSTITUTIONAL REFORMS; A. Constitutional reforms contained in the Agreement on Identity and Rights of Indigenous Peoples

4. This Agreement provides for constitutional recognition of the identity of the Maya, Garifuna and Xinca peoples and, from that standpoint, of the need to define and characterize the Guatemalan State as being one of national unity and multi-ethnic, multicultural and multilingual in nature. It is not just a matter of recognizing the existence and identity of various ethnic groups, as article 66 of the Constitution currently does, but of recognizing that the very make-up of society, without prejudice to the unity of the nation and the State, is characterized in that way; [...]

Spirituality of the Maya, Garifuna and Xinca peoples

8. Sponsor in the Congress of the Republic the amendment of article 66 of the Constitution to stipulate that the State recognizes, respects and protects the various forms of spirituality practised by the Maya, Garifuna and Xinca peoples.

Page 18; Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca; II. OBJECTIVES AND PRINCIPLES; Principles

12. The programme shall treat former combatants, women, young people and disabled persons as sectors requiring specific priority attention.

Page 24; Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca; III. ELEMENTS OF THE INTEGRATION PROGRAMME; F. Special subprogrammes; Subprogramme for disabled persons

50. As a result of the internal armed conflict, a sector of the population is disabled and, as one of the most vulnerable and most severely affected groups, requires special priority attention under the programme envisaged in this Agreement.

51. The integration of this group is a more complex matter, because of the personal and social impact of their disability. As a result, specific projects will have to provide proper professional care for their rehabilitation and access to education and training so that they can be genuinely integrated into social and productive life in decent conditions.

Page 24; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; IV. TIMETABLE FOR 1998, 1999 AND 2000; A. Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict; Protection of Guatemalan nationals outside the country

138. Strengthen the policy of ensuring protection for Guatemalan nationals outside the country, especially members of the uprooted population living abroad, and make the necessary arrangements with host countries to ensure that this population has stable immigrant status.

Page 26-27; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; IV. TIMETABLE FOR 1998, 1999 AND 2000; C. Agreement on Social and Economic Aspects and the Agrarian Situation

Infant and maternal mortality

151. By the year 2000, reduce infant and maternal mortality to 50 per cent of the 1995 rate.

Land management

155. Closely coordinate housing policy with land management policy, especially urban planning and environmental protection policies, to enable poor people to have access to housing with services in hygienic and environmentally sustainable conditions

Protection of rural workers

160. Adopt administrative and/or criminal penalties against those responsible for abuses against migrant agricultural workers, farmhands, tenant farmers and day labourers in the context of hiring through middlemen, sharecropping, payment in kind and the use of weights and measures.

Page 38; Agreement on a firm and lasting peace; I. CONCEPTS

12. The constitutional reforms set out in the Peace Agreements provide the fundamental substantive basis for the reconciliation of Guatemalan society within the framework of the rule of law, democratic coexistence and the full observance of and strict respect for human rights.

Page 3-4; Agreement on identity and rights of indigenous peoples; I. IDENTITY OF INDIGENOUS PEOPLES

4. The identity of the Maya people, as well as the identities of the Garifuna and Xinca peoples is recognized within the unity of the Guatemalan nation and the Government undertakes to promote, in the Guatemalan Congress, a reform of the Guatemalan Constitution to that effect.

Page 6-7; Agreement on identity and rights of indigenous peoples; III. CULTURAL RIGHTS; A. Language

2. To that end, the Government shall take the following measures:

(a) Promote a constitutional reform calling for the listing of all languages existing in Guatemala which the State is constitutionally required to recognize, respect and promote
[...]

(g) Promote the granting of official status to indigenous languages. To that end an officialization commission will be set up with the participation of representatives of the linguistic communities and the Academy of Mayan Languages of Guatemala, which shall study arrangements for granting official status, taking account of linguistic and territorial criteria. The Government shall promote, in the Guatemalan Congress, a reform of article 143 of the Constitution to reflect the results of the officialization commission's work.

Page 6-7; Agreement on identity and rights of indigenous peoples; III. CULTURAL RIGHTS; C. Spirituality

3. The Government shall promote, in the Guatemalan Congress, the reform of article 66 of the Constitution to stipulate that the State recognizes, respects and protects the various forms of spirituality practised by the Maya, Garifuna and Xinca peoples.

Page 11; Agreement on identity and rights of indigenous peoples; IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS; A. Constitutional framework

The Government of Guatemala undertakes to promote a reform of the Constitution in order to define and characterize the Guatemalan nation as being of national unity, multi-ethnic, multicultural and multilingual.

Page 5; Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in Democratic Society; II. THE LEGISLATIVE BRANCH

6. The Parties agree that the legislative branch must be enhanced, modernized and reinforced, and that the Presidency of the Congress will be requested to set up a multi-party agency for that purpose. This agency will work in conjunction with those legislative commissions which have been entrusted with responsibilities in connection with the follow-up to the agreements on a

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Constitutional
Reform

firm and lasting peace and the process of modernization and strengthening of the Congress of the Republic. Its agenda, minimal and open-ended, will give priority to the following aspects:

[...]

(d) Legal or constitutional reforms to maintain the number of deputies in the Congress at a constant level;

(e) Reform of article 157 of the Constitution so that deputies cannot serve more than two consecutive terms, so as to avoid disrupting political careers while at the same time ensuring the renewal of political leadership in the Congress;

Page 6-7; Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in Democratic Society; III. SYSTEM OF JUSTICE; Constitutional reforms

12. Promote the reform of the following articles of the Constitution in the Guatemalan Congress:

Chapter IV – The judiciary

Section I: General provisions

(a) Article 203: the article should contain an initial reference to guarantees of the administration of justice and, as such, include: free access to the system of justice in the person's own language; respect for the multi-ethnic, multicultural and multilingual nature of Guatemala; legal assistance to those who cannot afford their own counsel; the impartiality and independence of judges; reasonable and prompt resolution of social conflicts and provision of alternative conflict-resolution mechanisms;

(b) The summarized contents of article 203 should be included in a separate paragraph;

(c) Articles 207, 208 and 209 should refer to the Act on Careers in the Judiciary and include the following provisions:

– Rights and duties of judges, the dignity of the profession and adequate remuneration;

– System of appointment and promotion of judges based on competitive examinations to promote professional excellence;

– Right and duty to pursue professional legal training and career development;

– Disciplinary system, with pre-established guarantees, procedures, levels of jurisdiction and penalties, and the principle that a judge or magistrate can be investigated and punished only by his peers;

(d) Article 210: the guarantee in the second paragraph should be deleted, since its contents would be covered by the three previous articles. This article should refer only to personnel of the judiciary who are not judges or magistrates.

Page 10; Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in Democratic Society; IV. EXECUTIVE BRANCH; B. Public security; Constitutional reforms

23. The reform of the Constitution shall establish the functions and main characteristics of the police force as follows:

“The National Civil Police shall be a professional and hierarchical institution. It shall be the only armed police force competent at the national level whose function is to protect and guarantee the exercise of the rights and freedoms of the individual; prevent, investigate and combat crime; and maintain public order and internal security. It shall be under the direction of the civil authorities and shall maintain absolute respect for human rights in carrying out its functions.

"The law shall govern the requirements and procedures for admission to the police profession, as well as promotions, advancement, transfers, disciplinary action against officers and employees in the profession and other questions related to the functioning of the National Civil Police."

Page 13-14; Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in Democratic Society; IV. EXECUTIVE BRANCH; C. Armed forces; Constitutional reforms

36. The Government undertakes to sponsor the following amendments to the Guatemalan Constitution:

(a) Article 244. Constitution, organization and functions of the armed forces. The Guatemalan armed forces are a permanent institution in the service of the nation. They are unique and indivisible, essentially professional, apolitical, loyal and non-deliberative. Their function is to protect the sovereignty of the State and its territorial integrity. They consist of ground, air and naval forces. Their organization is hierarchical and based on the principles of discipline and obedience;

(b) Article 219. Military courts. The military courts shall take cognizance of the crimes and misdemeanours specified in the military code and in the corresponding regulations. Ordinary crimes and misdemeanours committed by military personnel shall be tried and judged by the ordinary courts. No civilian may be judged by military courts;

(c) Article 246. Duties and powers of the President over the armed forces. Replace the first paragraph by the following: "The President of the Republic is the Commander-in-Chief of the armed forces and shall issue his orders through the Minister of Defence, whether he is a civilian or a member of the military".

Page 15-16; Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in Democratic Society; IV. EXECUTIVE BRANCH; D. Presidency of the Republic; Constitutional amendments

45. The Government shall sponsor in the Guatemalan Congress the following amendments to the Guatemalan Political Constitution:

(a) With regard to the functions of the President of the Republic, include the following:

"When the ordinary means for the maintenance of public order and domestic peace are exhausted, the President of the Republic may exceptionally use the armed forces for this purpose. The deployment of the armed forces shall always be temporary, shall be conducted under civilian authority and shall not involve any limitation on the exercise of the constitutional rights of citizens.

"In order to take these exceptional measures, the President of the Republic shall issue an agreement to that end. The operations of the armed forces shall be limited to the time and modalities which are strictly necessary, and shall end as soon as the purpose has been achieved. The President of the Republic shall keep Congress informed about the operations of the armed forces, and Congress may at any time decide that such operations should cease. At all events, within 15 days of the end of such operations, the President of the Republic shall submit to Congress a detailed report on the operations of the armed forces;"

(b) Amend article 246, entitled "Duties and powers of the President over the armed forces", by deleting the sentence in paragraph (b) of that article which reads: "He may, likewise, approve special pensions";

(c) Amend article 183, entitled "Functions of the President of the Republic", by deleting paragraph (r) and amending the text of paragraph (t) as follows: "To grant special pensions".

Page 3-9; Agreement on Constitutional Reforms and the Electoral Regime; I. CONSTITUTIONAL REFORMS

Whereas the Constitution in force since 1986 sets forth the responsibility of the State, as the expression of the legal and political organization of society, for promoting the common good and the consolidation of the rule of legality, security, justice, equality, freedom and peace, and defines as a central concern the promotion of the full enjoyment of human rights within a stable, permanent and popular institutional order in which governed and government act with absolute adherence to the law,

Whereas in the Oslo Agreement of 30 March 1990, the delegation of the National Reconciliation Commission of Guatemala (CNR), acting with the full support of the Government of Guatemala, and the delegation of the Unidad Revolucionaria Nacional Guatemalteca (URNG), acting with the full support of its General Command, placed on record their express determination to find ways to solve the nation's problems peacefully by political means,

Whereas on 24 April 1991, the process of direct negotiation began between the Government of the Republic of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG), the Parties having pledged that the political agreements reached would reflect the legitimate aspirations of all Guatemalans and would be drawn up in accordance with the constitutional framework in force and with the El Escorial agreements, in which URNG and the country's political parties had pledged to promote such reforms of the Political Constitution of the Republic as were necessary for the reconciliation of all Guatemalans, the ending of the internal armed conflict, the peaceful solution of the nation's problems by political means and full respect for and application of the law,

Whereas the constitutional reforms contained in this Agreement constitute a substantive, fundamental basis for the reconciliation of Guatemalan society within the framework of the rule of law, democratic coexistence, full observance of and strict respect for human rights, an end to impunity and, at the national level, the institutionalization of a culture of peace based upon mutual tolerance and respect, shared interests and the broadest possible public participation in all structures of power,

Whereas the above-mentioned reforms will contribute to political stability, the strengthening of civilian power and the agreed redefinition of the functions of the armed forces for the new era in the country's history which will begin with the signing of the Agreement on a Firm and Lasting Peace,

Whereas the above-mentioned reforms also systematize and develop the spirit and the letter of the commitments signed on institutional, political, economic, social and ethnic issues, on human rights and their strict observance and on efforts to combat impunity,

Whereas, at the national level, recognition of the identity of indigenous peoples is of fundamental importance for building national unity based on respect for and the exercise of the political, cultural, economic and spiritual rights of all Guatemalans, as well as on the fulfillment of their duties,

Whereas the agreed constitutional reforms are a historic step which, at the institutional level, guarantees and ensures the building of a just peace and democratic stability by political and institutional means, within the framework of the political Constitution of the Republic,

The Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG), hereinafter referred to as "the Parties", have agreed as follows:

1. The Government of the Republic shall place before the Congress of the Republic the draft constitutional amendments contained in sections A and B of this Agreement 60 days after its entry into force.
2. It is understood that, where the text of a proposed constitutional amendment is not expressly drafted and the number of the corresponding article is not indicated, its drafting and numbering will be left to the legislative branch.
3. The Parties request the Congress of the Republic to promulgate or amend ordinary legislation, as necessary, to adapt it to the provisions agreed to by the Parties in the Peace Agreements and to the constitutional amendments

contained in this Agreement; and also, if necessary, to agree to any other constitutional or legal amendments that may be required to maintain consistency and compatibility with the reforms proposed by the Parties.

A. Constitutional reforms contained in the Agreement on Identity and Rights of Indigenous Peoples

4. This Agreement provides for constitutional recognition of the identity of the Maya, Garifuna and Xinca peoples and, from that standpoint, of the need to define and characterize the Guatemalan State as being one of national unity and multi-ethnic, multicultural and multilingual in nature. It is not just a matter of recognizing the existence and identity of various ethnic groups, as article 66 of the Constitution currently does, but of recognizing that the very make-up of society, without prejudice to the unity of the nation and the State, is characterized in that way; this also entails recognizing the specific nature of indigenous people's spirituality as an essential component of their world view and of the transmission of their values, and granting official constitutional recognition to indigenous languages as one of the mainstays of national culture and as a vehicle for acquiring and transmitting indigenous people's world view, knowledge and cultural values.

Identity of the Maya, Garifuna and Xinca peoples

5. Sponsor in the Congress of the Republic express constitutional recognition of the identity of the Maya, Garifuna and Xinca peoples, within the unity of the Guatemalan nation.

List of the languages existing in the country

6. Sponsor in the Congress of the Republic an amendment to the Constitution incorporating in its article 143 a list of all languages existing in the Republic, which the Government is required to recognize, respect and promote.

Official recognition of indigenous languages

7. Sponsor in the Congress of the Republic, in accordance with the conclusions of the Official Recognition Commission established under the Agreement on Identity and Rights of Indigenous Peoples, the necessary constitutional amendments arising out of the Commission's work.

Spirituality of the Maya, Garifuna and Xinca peoples

8. Sponsor in the Congress of the Republic the amendment of article 66 of the Constitution to stipulate that the State recognizes, respects and protects the various forms of spirituality practised by the Maya, Garifuna and Xinca peoples.

Definition and characterization of the Guatemalan nation

9. Sponsor in the Congress of the Republic an amendment to article 140 of the Constitution to define and characterize the Guatemalan nation as being one of national unity and multi-ethnic, multicultural and multilingual in nature.

B. Constitutional reforms included in the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society

10. Within the framework of the modernization of State institutions, the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society provides for constitutional reforms with respect to the Congress of the Republic, the Judiciary, the functions of the President of the Republic, and the Guatemalan armed forces. The aim is not to propose case-by-case measures, but to reformulate the whole conception of State organs and institutions with a view to strengthening democracy in line with present-day constitutional trends.

Congress of the Republic

11. With regard to the Congress of the Republic, present conditions have prompted various social sectors to raise the issue of the number of deputies, with a view to preventing their numbers from exceeding a predetermined

reasonable level while preserving their representativeness as a characteristic expression of democracy. In addition, that representativeness raises the need for an equally reasonable turnover of deputies; accordingly, it is envisaged that deputies will not be able to be re-elected for more than two consecutive terms.

Fixed number of deputies

12. Sponsor in the Congress of the Republic an amendment to article 157 of the Constitution to maintain the number of deputies in the Congress at the current level.

13. An amendment to the same article, stating that deputies cannot be re-elected for more than two consecutive terms, should also be sponsored, so as not to prevent parliamentary careers but at the same time to permit a turnover of political leadership in the Congress.

Administration of justice

14. The integrity and efficiency of the judicial function fulfill the task of guaranteeing the rules of social relations, a guarantee which can become operative only if there is security, as manifested in the substantive rights prescribed by law, the fair settlement of disputes, universal respect for procedural norms, the punishment of offenders and reparation for injury.

15. That is why it is important to strengthen the judicial function so that, within the constitutional framework that provides general guarantees for the administration of justice, free access to the administration of justice, regardless of financial means, can become a reality, based, in particular, on the multi-ethnic, multicultural and multilingual nature of Guatemala; the impartiality and independence of judges; the reasonable and prompt resolution of social conflicts; the provision of alternative mechanisms for resolving such conflicts; and a career judicial service which strives to ensure the professional excellence of judges, as well as proper recognition of the dignity of their profession and of their rights and responsibilities with regard to training and advanced training, without prejudice to a disciplinary system which, while respecting the rights of defence and due process, guarantees the proper exercise of the judicial function, with the power to impose penalties being exercised solely by the judiciary.

Guarantees for the administration of justice

16. Sponsor in the Congress of the Republic an amendment to article 203 of the Constitution which would make an initial express reference to guarantees of the administration of justice and, as such, include:

- (a) free access to the administration of justice in the person's own language;
- (b) respect for the multi-ethnic, multicultural and multilingual nature of Guatemala;
- (c) defence counsel for those who cannot afford it;
- (d) impartiality and independence of judges;
- (e) reasonable and prompt resolution of social conflicts; and
- (f) provision of alternative conflict-resolution mechanisms. In addition, the present content of article 203 should be reproduced in summarized form in a separate paragraph.

Career judicial service

17. Sponsor in the Congress of the Republic the amendment of articles 207, 208 and 209 of the Constitution, which would include a reference to the Act on the Career Judicial Service and establish its content as follows:

- (a) Rights and responsibilities of judges, dignity of the profession and adequate remuneration;
- (b) System of appointments and promotions of judges based on public competitive examinations designed to ensure professional excellence;

(c) Right and duty to pursue judicial training and advanced training;

(d) Disciplinary system, with pre-established guarantees, procedures, levels of jurisdiction and penalties, and the principle that a judge or magistrate can be investigated and punished only by his peers.

Personnel of the judiciary

18. Sponsor in the Congress of the Republic an amendment to article 210 of the Constitution eliminating the guarantee set forth in the second paragraph, since its content would be subsumed under the three preceding articles. Article 210 should refer only to personnel of the judiciary who are not judges or magistrates.

National Civil Police

19. Sponsor in the Congress of the Republic the inclusion of an article in the Constitution defining the functions and main characteristics of the National Civil Police as follows:

“The National Civil Police is a professional and hierarchical institution. It is the only armed police force with national jurisdiction and its function is to protect and safeguard the exercise of the rights and freedoms of individuals; to prevent, investigate and combat crime; and to maintain public order and internal security. It shall be under the control of civilian authorities and shall show strict respect for human rights in carrying out its functions.

“The law shall regulate the requirements and procedures for admission to the police profession, as well as promotions, advancement, transfers, disciplinary action against police officials and employees and other questions related to the functioning of the National Civil Police.”

Guatemalan armed forces

20. In a democratic society, the typical functions of the armed forces relate to the defence of sovereignty and territorial integrity; any other function is atypical and exceptional; like any other government institution, their exercise of other functions must take place in a context of subordination to lawfully constituted authority and be preceded by a decision of and be monitored by the lawfully constituted authorities of the State within their specific sphere of competence. Any exceptional function of the armed forces must therefore be decided by the President of the Republic, as Head of State and Commander-in-Chief of the Armed Forces, and be subject to oversight by the Congress of the Republic.

21. Moreover, like other Ministers of State, the Minister of Defence is called upon to perform policy-making functions which do not necessarily require that he have a strictly technical background. As a result, the current requirement that he be a member of the armed forces is not justified. In keeping with present day conceptions of the organization of the judiciary, exclusive military jurisdiction in criminal matters should be confined to strictly military crimes and misdemeanours.

Constitution, organization and functions of the armed forces

22. Sponsor in the Congress of the Republic an amendment to article 244 of the Constitution so that it reads as follows:

“Article 244. Constitution, organization and functions of the armed forces. The Guatemalan armed forces are a permanent institution in the service of the nation. They are unique and indivisible, essentially professional, apolitical, obedient and non-deliberative. Their function is to defend the sovereignty of the State and the integrity of its territory. They consist of land, sea and air forces. Their organization is hierarchical and is based on the principles of discipline and obedience.”

Functions of the President of the Republic

23. Sponsor in the Congress of the Republic an amendment to article 183 of the Constitution which would include the following:

"Delete paragraph (r) of article 183 and amend the wording of paragraph (t) to read: 'To grant special pensions'".

24. With regard to the functions of the President of the Republic, it has been agreed to sponsor the inclusion of the following in article 183:

"Where the normal means for the maintenance of public order and internal peace have been exhausted, the President of the Republic may, on an exceptional basis, use the armed forces for this purpose. The action of the armed forces shall always be temporary, shall be conducted under civilian authority and shall involve no limitation whatsoever on the exercise of the constitutional rights of citizens.

"To order these exceptional measures, the President of the Republic shall issue the corresponding agreement. The action of the armed forces shall be limited to such time and modalities as are strictly necessary and shall cease as soon as its purpose has been achieved. The President of the Republic shall keep the Congress informed of the operations of the armed forces, and the Congress may at any time order that such operations shall cease. In any event, within 15 days following the end of such operations, the President of the Republic shall submit to the Congress a detailed report on the action of the armed forces."

Duties and powers of the President over the armed forces

25. Sponsor in the Congress of the Republic an amendment whereby the final sentence of paragraph (b) of article 246 of the Constitution, which reads: "He may, likewise, approve special pensions", would be deleted.

26. Also sponsor the redrafting of the first paragraph of article 246 so that it reads as follows:

"The President of the Republic is the Commander-in-Chief of the Armed Forces and shall issue his orders through the Minister of National Defence, whether the Minister is a civilian or a member of the armed forces."

Military courts

27. Sponsor in the Congress of the Republic the total redrafting of article 219 of the Constitution, so that it reads as follows:

"Article 219. Military courts. The military courts shall try the crimes and misdemeanours specified in the Military Code and in the corresponding regulations. Ordinary crimes and misdemeanours committed by military personnel shall be tried and judged by the ordinary courts. No civilian may be judged by military courts."

Page 10; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; II. TIMETABLE FOR THE 90 DAYS FROM 15 JANUARY 1997; G. Agreement on Constitutional Reforms and the Electoral Regime; Constitutional reforms

35. The Government of the Republic shall place before the Congress of the Republic the draft constitutional amendments contained in sections A and B of the Agreement on Constitutional Reforms and the Electoral Regime.

Page 31; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; IV. TIMETABLE FOR 1998, 1999 AND 2000; D. Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society; Act establishing the armed forces

186. Sponsor and introduce amendments to the Act establishing the Guatemalan armed forces, as and when the proposed constitutional amendments take effect, in order to bring it into line with the content of the Peace Agreements.

Page 4-5; Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in Democratic Society; II. THE LEGISLATIVE BRANCH

4. Legislative authority belongs to the Guatemalan Congress, which is composed of deputies elected directly by universal and secret vote. It has a fundamental role to play in the representation of Guatemalan society, since democracy requires a body in which the overall situation of the country is embodied in an institutional form, harmoniously integrating a variety of interests.

5. For the legitimacy of the legislative body to be strengthened, it must fully discharge the following duties:

- (a) The legislative function, in the interest of the people of Guatemala;
- (b) Public discussion of essential national issues;
- (c) Representation of the people;
- (d) Its responsibilities towards the other branches of the State.

6. The Parties agree that the legislative branch must be enhanced, modernized and reinforced, and that the Presidency of the Congress will be requested to set up a multi-party agency for that purpose. This agency will work in conjunction with those legislative commissions which have been entrusted with responsibilities in connection with the follow-up to the agreements on a firm and lasting peace and the process of modernization and strengthening of the Congress of the Republic. Its agenda, minimal and open-ended, will give priority to the following aspects:

(a) Revision of the Act on the Rules of Procedure of the Congress, in order to streamline parliamentary work and enable the Guatemalan Congress as a branch of the State to carry out what is required of it by the Political Constitution and by public opinion, and to enhance efficiency in the initiation, discussion and adoption stages of the legislative process;

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Legislative Branch
Reform

(b) Proper utilization of constitutional mechanisms for the supervision of the executive branch, to ensure clarity in government policy, consistency in its programmes, transparency in the planning and implementation of the State budget, examination and evaluation of the responsibility of ministers and other high-ranking officials for their administrative acts or omissions, and monitoring of government administration to protect the general interests of the population while preserving institutional legitimacy;

(c) Appropriate legislative measures to strengthen the administration of justice;

(d) Legal or constitutional reforms to maintain the number of deputies in the Congress at a constant level;

(e) Reform of article 157 of the Constitution so that deputies cannot serve more than two consecutive terms, so as to avoid disrupting political careers while at the same time ensuring the renewal of political leadership in the Congress;

(f) Support for the work of the commissions, particularly the Office of the Technical Advisory Unit;

(g) Redefinition of the functions of the Congressional Human Rights Commission to allow for a more effective follow-up of the resolutions and recommendations contained in reports produced by the Counsel for Human Rights and other recognized public entities on the situation of human rights in Guatemala.

7. The Parties agree to request the Presidency of the Guatemalan Congress that the aforementioned congressional agency should be set up within a period not to exceed three months after the signing of the agreement on a firm and lasting peace, and that its work should be completed and submitted for consideration in plenary no more than one year after its establishment.

Page 5-6; Agreement on Constitutional Reforms and the Electoral Regime; I. CONSTITUTIONAL REFORMS; B. Constitutional reforms included in the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society

Congress of the Republic

11. With regard to the Congress of the Republic, present conditions have prompted various social sectors to raise the issue of the number of deputies, with a view to preventing their numbers from exceeding a predetermined reasonable level while preserving their representativeness as a characteristic expression of democracy. In addition, that representativeness raises the need for an equally reasonable turnover of deputies; accordingly, it is envisaged that deputies will not be able to be re-elected for more than two consecutive terms.

Page 10; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; II. TIMETABLE FOR THE 90 DAYS FROM 15 JANUARY 1997; F. Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society; Multi-party legislative body

30. Request the Office of the President of the Congress of the Republic to set up a multi-party body to enhance, modernize and strengthen the legislative branch, in accordance with the agenda set out in the Agreement.

Page 9-18; Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in Democratic Society; IV. EXECUTIVE BRANCH

17. With a view to the strengthening of civilian power and the modernization of the executive branch, the Government undertakes to adopt, when it falls within its purview to do so, and to promote to the Congress, when it falls within the purview of that body to do so, the following measures:

A. Security agenda

[...]

B. Public security

[...]

C. Armed forces

[...]

D. Presidency of the Republic

Constitutional amendments

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Executive Branch Reform

45. The Government shall sponsor in the Guatemalan Congress the following amendments to the Guatemalan Political Constitution:

(a) With regard to the functions of the President of the Republic, include the following:

“When the ordinary means for the maintenance of public order and domestic peace are exhausted, the President of the Republic may exceptionally use the armed forces for this purpose. The deployment of the armed forces shall always be temporary, shall be conducted under civilian authority and shall not involve any limitation on the exercise of the constitutional rights of citizens.

“In order to take these exceptional measures, the President of the Republic shall issue an agreement to that end. The operations of the armed forces shall be limited to the time and modalities which are strictly necessary, and shall end as soon as the purpose has been achieved. The President of the Republic shall keep Congress informed about the operations of the armed forces, and Congress may at any time decide that such operations should cease. At all events, within 15 days of the end of such operations, the President of the Republic shall submit to Congress a detailed report on the operations of the armed forces;”

(b) Amend article 246, entitled “Duties and powers of the President over the armed forces”, by deleting the sentence in paragraph (b) of that article which reads: “He may, likewise, approve special pensions”;

(c) Amend article 183, entitled "Functions of the President of the Republic", by deleting paragraph (r) and amending the text of paragraph (t) as follows: "To grant special pensions".

Security of the President and Vice-President

46. In order to guarantee the security of the President, Vice-President and their families and provide logistical support for the activities carried out by the Presidency of the Republic, the President of the Republic, in exercise of the powers conferred on him by law and in order to replace the Presidential Chief of Staff, shall organize an appropriate entity as he sees fit.

E. Information and intelligence

[...]

F. Professionalization of civil servants

[...]

Page 8-9; Agreement on Constitutional Reforms and the Electoral Regime; I. CONSTITUTIONAL REFORMS; B. Constitutional reforms included in the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society

Functions of the President of the Republic

23. Sponsor in the Congress of the Republic an amendment to article 183 of the Constitution which would include the following:

"Delete paragraph (r) of article 183 and amend the wording of paragraph (t) to read: 'To grant special pensions'".

24. With regard to the functions of the President of the Republic, it has been agreed to sponsor the inclusion of the following in article 183:

"Where the normal means for the maintenance of public order and internal peace have been exhausted, the President of the Republic may, on an exceptional basis, use the armed forces for this purpose. The action of the armed forces shall always be temporary, shall be conducted under civilian authority and shall involve no limitation whatsoever on the exercise of the constitutional rights of citizens.

"To order these exceptional measures, the President of the Republic shall issue the corresponding agreement. The action of the armed forces shall be limited to such time and modalities as are strictly necessary and shall cease as soon as its purpose has been achieved. The President of the Republic shall keep the Congress informed of the operations of the armed forces, and the Congress may at any time order that such operations shall cease. In any event, within 15 days following the end of such operations, the President of the Republic shall submit to the Congress a detailed report on the action of the armed forces."

Duties and powers of the President over the armed forces

25. Sponsor in the Congress of the Republic an amendment whereby the final sentence of paragraph (b) of article 246 of the Constitution, which reads: "He may, likewise, approve special pensions", would be deleted.

26. Also sponsor the redrafting of the first paragraph of article 246 so that it reads as follows:

"The President of the Republic is the Commander-in-Chief of the Armed Forces and shall issue his orders through the Minister of National Defence, whether the Minister is a civilian or a member of the armed forces."

**Page 3-4; Comprehensive Agreement on Human Rights; II.
STRENGTHENING INSTITUTIONS FOR THE PROTECTION OF HUMAN RIGHTS**

1. The Parties consider that any behaviour that limits, restricts or impairs the functions assigned to the judiciary, the Counsel for Human Rights and the Public Prosecutor's Office in respect of human rights undermines fundamental principles of the rule of law and that, accordingly, those institutions must be supported and strengthened in the exercise of those functions.

2. With regard to the judiciary and the Public Prosecutor's Office, the Government of the Republic of Guatemala reiterates its will to respect their autonomy and to protect the freedom of action of both vis-à-vis pressures of any type and origin, so that they may enjoy fully such guarantees and means as they may require in order to operate efficiently.

**Page 4; Comprehensive Agreement on Human Rights; III.
COMMITMENT AGAINST IMPUNITY**

1. The Parties agree on the need for firm action against impunity. The Government shall not sponsor the adoption of legislative or any other type of measures designed to prevent the prosecution and punishment of persons responsible for human rights violations.

2. The Government of the Republic of Guatemala shall initiate in the legislature necessary legal amendments to the Penal Code so that enforced or involuntary disappearances and summary or extra-judicial executions may be characterized as crimes of particular gravity and punished as such; likewise, the Government shall foster in the international community, recognition of enforced or involuntary disappearances and of summary or extra-judicial executions as crimes against humanity.

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Judiciary Reform

3. No special law or exclusive jurisdiction may be invoked to uphold impunity in respect of human rights violations.

**Page 7; Comprehensive Agreement on Human Rights; X.
INTERNATIONAL VERIFICATION BY THE UNITED NATIONS**

3. The Parties recognize the importance of the role of the national institutions responsible for enforcing, monitoring and safeguarding human rights, such as the judiciary, the Public Prosecutors Office and the Counsel for Human Rights, and they emphasized the role of the latter, in particular.

**Page 6; Agreement on identity and rights of indigenous peoples; III.
CULTURAL RIGHTS; A. Language**

2. To that end, the Government shall take the following measures:
[...]

(e) Promote programmes for the training of bilingual judges and court interpreters from and into indigenous languages;

**Page 13-14; Agreement on identity and rights of indigenous peoples;
IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS; E. Customary law**

1. The traditional norms of indigenous peoples have been and continue to be an essential element for the social regulation of the life of the communities and, consequently, for the maintenance of their cohesion.

2. The Government recognizes that both the failure of national legislation to take account of the customary norms which govern life in the indigenous communities and the lack of access by indigenous peoples to the resources of the national judicial system have resulted in the denial of rights, in discrimination and in marginalization.

3. To strengthen the security before the law of the indigenous communities, the Government undertakes to promote, before the legislative organ and with the participation of indigenous organizations, the development of rules of law which would recognize the right of the indigenous communities to manage their own internal affairs in accordance with their customary norms, provided that the latter are not incompatible with the fundamental rights defined by the national legal system or with internationally recognized human rights.

4. In cases where the intervention of the courts is required, and in particular in criminal matters, the competent authorities should take fully into account the traditional norms governing the communities. To this end, the Government undertakes to take the following measures:

(a) Propose, with the participation of representatives of indigenous organizations, legal provisions calling for the inclusion of cultural expertise and the development of mechanisms which would permit the community authorities to indicate the customs which constitute their set of internal norms; and

(b) Promote, in coordination with Guatemalan universities, professional associations and indigenous organizations, a continuing programme for judges and officers of the court (Ministerio Público) on the culture and identifying features of the indigenous peoples and, in particular, an understanding of the norms and mechanisms which govern their community life.

5. To ensure the access of indigenous peoples to the resources of the national legal system, the Government undertakes to promote free legal advisory services for those with limited economic resources and reiterates its obligation to make court interpreters available to the indigenous communities, free of charge, thus ensuring the application of the principle that no one may be judged without having had the assistance of interpretation into his own language.

6. The Government, in cooperation with indigenous organizations, national universities and competent professional associations, shall promote the systematic and in-depth study of the values and procedures of the traditional system of norms.

Page 16; Agreement on identity and rights of indigenous peoples; IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS; F. Rights relating to land of the indigenous peoples; Legal protection of the rights of indigenous communities

9. In order to facilitate the defence of the aforementioned rights and to protect the communities effectively, the Government undertakes to adopt or promote the following measures:

[...]

(b) Promote an increase in the number of courts dealing with land cases and expedite procedures for the settlement of those cases;

Page 23-24; Agreement on Social and Economic Aspects and Agrarian Situation; III. AGRARIAN SITUATION AND RURAL DEVELOPMENT; E. Legal framework and juridical security

37. Guatemala is in need of reform of the juridical framework of agriculture and institutional development in the rural sector so that an end can be put to the lack of protection and dispossession from which small farmers, and in particular indigenous peoples, have suffered, so as to permit full integration of the rural population into the national economy and regulate land use in an efficient and environmentally sustainable manner in accordance with development needs. To this end, and taking into account in all cases the provisions of the Agreement on Identity and Rights of Indigenous Peoples, the Government undertakes to:

Legal reform

(a) Promote a legal reform which will establish a juridical framework governing land ownership that is secure, simple and accessible to the entire population.

This reform will need to simplify the procedures for awarding title and registering ownership and other real estate rights, as well as to simplify administrative and judicial formalities and procedures;

(b) Promote the establishment of an agrarian and environmental jurisdiction within the judiciary through the enactment of the relevant legislation by the Congress;

(c) Promote the revision and adjustment of the legislation on undeveloped land so that it conforms to the provisions of the Constitution, and regulate, inter alia through incentives and penalties, the underutilization of land and its use in ways incompatible with sustainable natural resource utilization and preservation of the environment;

[...]

Prompt settlement of land conflicts

(f) To establish and apply flexible judicial or non-judicial procedures for the settlement of disputes relating to land and other natural resources (in particular, direct settlement and conciliation), taking into account the provisions of the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict and the Agreement on Identity and Rights of Indigenous People. In addition, to establish procedures that will make it possible:

[...]

Page 5-9; Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in Democratic Society; III. SYSTEM OF JUSTICE

8. One of the major structural weaknesses of the Guatemalan State stems from the system of administration of justice, which is one of the key public services. This system and the functioning of judicial proceedings within it suffer from faults and deficiencies. The antiquated legal practices, slow proceedings, absence of modern office management systems and lack of supervision of officials and employees of the judicial branch breed corruption and inefficiency.

9. The reform and modernization of the administration of justice should be geared to preventing the judiciary from producing or covering up a system of impunity and corruption. The judicial process is not a simple procedure regulated by codes and ordinary laws but rather an instrument for ensuring the basic right to justice, which is manifested in a guarantee of impartiality, objectivity, universality and equality before the law.

10. A priority in this respect is to reform the administration of justice in order to put an end to inefficiency, eradicate corruption and guarantee free access to the justice system, impartiality in the application of the law, judicial independence, ethical authority and the integrity and modernization of the system as a whole.

11. In order to address all the foregoing, the Government undertakes to adopt, where it is within its power, and to promote in the Guatemalan Congress, where it is within the latter's competence, the following measures:

Constitutional reforms

12. Promote the reform of the following articles of the Constitution in the Guatemalan Congress:

CHAPTER IV – The judiciary

Section I: General provisions

(a) Article 203: the article should contain an initial reference to guarantees of the administration of justice and, as such, include: free access to the system of justice in the person's own language; respect for the multi-ethnic, multicultural and multilingual nature of Guatemala; legal assistance to those who cannot afford their own counsel; the impartiality and independence of judges; reasonable and prompt resolution of social conflicts and provision of alternative conflict-resolution mechanisms;

(b) The summarized contents of article 203 should be included in a separate paragraph;

(c) Articles 207, 208 and 209 should refer to the Act on Careers in the Judiciary and include the following provisions:

- Rights and duties of judges, the dignity of the profession and adequate remuneration;
- System of appointment and promotion of judges based on competitive examinations to promote professional excellence;
- Right and duty to pursue professional legal training and career development;
- Disciplinary system, with pre-established guarantees, procedures, levels of jurisdiction and penalties, and the principle that a judge or magistrate can be investigated and punished only by his peers; (d)

Article 210: the guarantee in the second paragraph should be deleted, since its contents would be covered by the three previous articles. This article should refer only to personnel of the judiciary who are not judges or magistrates.

Legal reforms

13. Promote the following legal reforms in the Guatemalan Congress:

Careers in the judiciary

(a) Establish careers in the judiciary as provided for by article 209 of the Constitution in accordance with the contents of this Agreement;

Public Defender's Office in criminal matters

(b) Establish a Public Defender's Office in criminal matters to provide legal assistance to those who cannot afford to retain their own counsel. It would be functionally autonomous and independent from the three branches of Government, have the same standing as the Public Prosecutor's Office and have effective country-wide coverage;

Penal Code

(c) Institute a reform of the Penal Code that gives priority to the criminal prosecution of those offences that are most detrimental to society, takes into account the country's cultural differences and customs, fully protects human rights and characterizes threats and coercion of judicial personnel, bribery, graft and corruption as particularly serious offences which are severely punished.

Administrative initiatives and measures

14. Take such administrative initiatives and measures as are necessary to:

(a) Provide the judiciary and Public Prosecutor's Office with more financial resources to enable them to carry out their technological modernization and to expand their coverage throughout the country, institute multilingualism in the system of justice in accordance with the Agreement on Identity and Rights of Indigenous Peoples, and implement an effective protection plan for witnesses, prosecutors and individuals who cooperate with the justice system. In this regard, by the year 2000, the Government intends to increase net public expenditure allocated to the judiciary and the Public Prosecutor's Office as a proportion of gross domestic product by 50 per cent over its 1995 level;

(b) Provide the necessary resources to the Public Defender's Office so that it can be established and begin its activities in 1998.

Commission on the strengthening of the justice system

15. The Parties also agree that, within 30 days after the signing of the agreement on a firm and lasting peace, the President of Guatemala will propose that a commission be established with the mandate to prepare within

six months, following an extensive debate on the justice system, a report and a set of recommendations for implementation as soon as possible. That commission, which will receive advisory assistance from the Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA), shall include the qualified representatives of the various public institutions and social and private bodies that are involved in and/or are knowledgeable about the justice system.

16. The work of the Commission shall include and not be limited to the following:

Modernization

(a) How to effectively separate administrative functions from jurisdictional functions in the judiciary and the Public Prosecutor's Office, so as to relieve judges and prosecutors from burdensome tasks that prevent them from dedicating themselves fully to their proper mandates, instituting a modern and effective management system in both institutions;

(b) The adequate distribution of available financial resources in order to strengthen the system, bearing in mind the need for more rational use of resources;

(c) Outlining the basic elements of a bill for the civil service of the judiciary;

Access to the justice system

(d) With the participation of indigenous peoples' organizations, follow up on the commitments undertaken under the Agreement on Identity and Rights of Indigenous Peoples concerning how justice is administered among those peoples, with a view to facilitating a simple and direct access to the justice system by major sectors of the country that are currently outside the system or that are at a disadvantage when they appear in court;

Streamlining

(e) Phase in oral legal proceedings in order to extend the benefits of such a system to those areas where it does not exist, and the guarantee of direct access to a judge in all proceedings;

(f) Implement the expansion and recognition of alternative conflict resolution mechanisms;

Professional excellence

(g) Devise a system for the selection and appointment of appeals court magistrates through competitive examinations;

(h) Strengthen the Judicial Training School and the training unit of the Public Prosecutor's Office as the main bodies for the selection and further training of judges, magistrates and prosecutors;

Non-State partners

(i) Promote the active involvement in the legal reform process of those bodies outside the State system of justice which play a decisive role in such reform.

Page 6-7; Agreement on Constitutional Reforms and the Electoral Regime; I. CONSTITUTIONAL REFORMS; B. Constitutional reforms included in the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society

Administration of justice

14. The integrity and efficiency of the judicial function fulfill the task of guaranteeing the rules of social relations, a guarantee which can become operative only if there is security, as manifested in the substantive rights prescribed by law, the fair settlement of disputes, universal respect for procedural norms, the punishment of offenders and reparation for injury.

15. That is why it is important to strengthen the judicial function so that, within the constitutional framework that provides general guarantees for the administration of justice, free access to the administration of justice, regardless of financial means, can become a reality, based, in particular, on the multi-ethnic, multicultural and multilingual nature of Guatemala; the impartiality and independence of judges; the reasonable and prompt resolution of social conflicts; the provision of alternative mechanisms for resolving such conflicts; and a career judicial service which strives to ensure the professional excellence of judges, as well as proper recognition of the dignity of their profession and of their rights and responsibilities with regard to training and advanced training, without prejudice to a disciplinary system which, while respecting the rights of defence and due process, guarantees the proper exercise of the judicial function, with the power to impose penalties being exercised solely by the judiciary.

Guarantees for the administration of justice

16. Sponsor in the Congress of the Republic an amendment to article 203 of the Constitution which would make an initial express reference to guarantees of the administration of justice and, as such, include:

- (a) free access to the administration of justice in the person's own language;
- (b) respect for the multi-ethnic, multicultural and multilingual nature of Guatemala;
- (c) defence counsel for those who cannot afford it;
- (d) impartiality and independence of judges;
- (e) reasonable and prompt resolution of social conflicts; and
- (f) provision of alternative conflict-resolution mechanisms. In addition, the present content of article 203 should be reproduced in summarized form in a separate paragraph.

Career judicial service

17. Sponsor in the Congress of the Republic the amendment of articles 207, 208 and 209 of the Constitution, which would include a reference to the Act on the Career Judicial Service and establish its content as follows:

- (a) Rights and responsibilities of judges, dignity of the profession and adequate remuneration;
- (b) System of appointments and promotions of judges based on public competitive examinations designed to ensure professional excellence;
- (c) Right and duty to pursue judicial training and advanced training;
- (d) Disciplinary system, with pre-established guarantees, procedures, levels of jurisdiction and penalties, and the principle that a judge or magistrate can be investigated and punished only by his peers.

Personnel of the judiciary

18. Sponsor in the Congress of the Republic an amendment to article 210 of the Constitution eliminating the guarantee set forth in the second paragraph, since its content would be subsumed under the three preceding articles. Article 210 should refer only to personnel of the judiciary who are not judges or magistrates.

Page 9; Agreement on Constitutional Reforms and the Electoral Regime; I. CONSTITUTIONAL REFORMS; B. Constitutional reforms included in the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society; Military courts

27. Sponsor in the Congress of the Republic the total redrafting of article 219 of the Constitution, so that it reads as follows:

"Article 219. Military courts. The military courts shall try the crimes and misdemeanours specified in the Military Code and in the corresponding regulations. Ordinary crimes and misdemeanours committed by military personnel shall be tried and judged by the ordinary courts. No civilian may be judged by military courts."

Page 10; Agreement on Constitutional Reforms and the Electoral Regime; II. ELECTORAL REGIME; Transparency and publicity

17. It would also be useful to promote a reform of the Penal Code to characterize the acceptance of illicit campaign funding as a crime, establishing that anyone who receives or authorizes the receipt of such contributions for the funding of political organizations or election campaigns is guilty of such a crime. The reform would establish the corresponding criminal penalties.

Page 20-21; Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca; III. ELEMENTS OF THE INTEGRATION PROGRAMME; A. Legal area; Proceedings

25. The judicial proceedings for related common crimes shall be consistent with guarantees of due process, shall be expeditious and adversarial, and shall comprise the following stages:

(i) If the Public Prosecutor's Office or a judicial authority is to try one of the crimes referred to in paragraphs 22 and 23, it shall transfer the case immediately to the appeals court division having jurisdiction in the matter. The court shall notify the aggrieved person, defined as such in article 117 of the Code of Criminal Procedure, the Public Prosecutor's Office and the defendant, ordering them to appear within the same period of 10 working days.

(ii) After this period has elapsed, the court shall have five working days in which to issue a reasoned order declaring the extinction valid or invalid and, where appropriate, dismissing the proceedings. If, after the period for notification of the parties has elapsed, the court feels that it needs additional information in order to reach a decision, it shall convene an immediate oral hearing with the sole participation of the parties, at which it shall receive relevant evidence, hear statements by the parties or their lawyers and, immediately thereafter, issue a reasoned order declaring the extinction valid or invalid and, where appropriate, dismissing the proceedings. The oral hearing shall be held within 10 working days after the end of the period for notification of the parties. At least three days shall elapse between the summons and the hearing

(iii) An appeal against the court's order shall be admissible only if it is submitted in writing, alleging grievances, within three days from the date of the last notification, by any of the parties having a legitimate interest in the case. If the appeal is declared admissible, the case shall be referred immediately to the amparo and preliminary judgements division of the Supreme Court, which shall decide within one week, without further hearings, to uphold, revoke or amend the contested order. The Supreme Court's decision shall not be subject to any form of appeal.

26. No coercive measures, such as committal orders, pretrial detention, measures in lieu of pretrial detention, remand or arrest shall be ordered during the proceedings. The alleged perpetrators, accused persons or defendants may be represented during the proceedings by their lawyers.

Page 10; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; II. TIMETABLE FOR THE 90 DAYS FROM 15 JANUARY 1997; F. Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society; Commission on the Strengthening of the Justice System

31. The President of Guatemala shall sponsor the establishment Commission on the Strengthening of the Justice System, with the prepare within six months, following an extensive debate on the a report and a set of recommendations that can be implemented as soon as possible, in accordance with the agenda proposed in the Agreement.

Page 21; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; III. TIMETABLE FROM 15 APRIL TO 31 DECEMBER 1997; E. Agreement on Social and Economic Aspects and the Agrarian Situation; Agrarian and environmental jurisdiction

107. Promote the establishment of an agrarian and environmental jurisdiction within the judiciary, taking into account the provisions of the Agreement on Identity and Rights of Indigenous Peoples.

Page 22; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; III. TIMETABLE FROM 15 APRIL TO 31 DECEMBER 1997; F. Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society; Judicial training

120. Strengthen the Judicial Training School and the training unit of the Public Prosecutor's Office as the main bodies for the selection and further training of judges, magistrates and prosecutors.

Page 25; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; IV. TIMETABLE FOR 1998, 1999 AND 2000; B. Agreement on Identity and Rights of Indigenous Peoples; Use of indigenous languages and bilingual training

140. In keeping with the conclusions of the Commission for the Official Recognition of Indigenous Languages, promote the use of indigenous peoples' languages in the provision of State social services at the community level and promote the bilingual training of judges and court interpreters from and into indigenous languages.

Page 30; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; IV. TIMETABLE FOR 1998, 1999 AND 2000; D. Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society

Penal Code

177. In accordance with the conclusions of the Commission on the Strengthening of the Justice System, sponsor and introduce in the Congress of the Republic amendments to the Penal Code that will:

- (a) Characterize ethnic discrimination as a crime,-
- (b) Characterize sexual harassment as a crime;
- (c) Bring the Penal Code into line with the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination; and
- (d) Give priority to the criminal prosecution of those offences which are most detrimental to society; take into account the country's cultural differences and customs; fully protect human rights; and characterize threats and coercion against judicial personnel, bribery, graft and corruption as particularly serious offences which must be severely punished.

Public spending on the justice system

179. By the year 2000, increase public spending on the judiciary and the Public Prosecutor's Office as a proportion of GDP by 50 per cent over the 1995 level.

Page 13; Agreement on identity and rights of indigenous peoples; IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS; D. Participation at all levels

5. Without limiting its mandate, the commission may consider reforms or measures in the following areas:
[...]

(d) Guarantee of free access by indigenous peoples to the various branches of public service, promoting their appointment to posts within the local, regional and national government administrations whose work most directly concerns their interests or whose activities are limited to predominantly indigenous areas.

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Public
Administration
Reform

Page 17-18; Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in Democratic Society; IV. EXECUTIVE BRANCH; F. Professionalization of civil servants

55. Article 136 of the Constitution stipulates that the right of Guatemalan citizens to seek public office must be guaranteed. However, only individuals with ability, honesty and integrity are eligible to do so. Accordingly, pursuant to the Agreement on Social and Economic Aspects and Agrarian Situation, the Government shall accord priority to the following activities:

(a) Modernization of government services, including publication of personnel selection and classification procedures for all departments of the executive branch, and review of the staffing table to ensure that employees and officials meet the criteria of honesty and ability;

(b) Establishment of a career civil service;

(c) Promotion of the effective implementation of legislation on integrity and accountability;

(d) Strengthening and modernization of the Comptroller's Office;

(e) Promotion of criminal sanctions for acts of corruption and misappropriation of public funds.

Page 22; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; III. TIMETABLE FROM 15 APRIL TO 31 DECEMBER 1997; E. Agreement on Social and Economic Aspects and the Agrarian Situation; Professionalization and upgrading of public servants

117. Sponsor and introduce bills:

(a) Establishing a career civil service; and

(b) Ensuring genuine compliance with the Integrity and Accountability Act.

Page 29; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; IV. TIMETABLE FOR 1998, 1999 AND 2000; C. Agreement on Social and Economic Aspects and the Agrarian Situation

Decentralization of public administration

174. Sponsor and introduce in the Congress of the Republic amendments to the Act on the Governance of the Departments of the Republic making it possible to streamline and decentralize public administration, and propose that departmental governors be appointed by the President of the Republic, taking into consideration candidates proposed by the non-governmental representatives of departmental development councils.

Modernization of public administration

175. Decentralize support systems, including the purchasing and procurement system, the human resources system, the information and statistics system, the financial management system and the revenue collection system.

Page 4; Comprehensive Agreement on Human Rights; IV. COMMITMENT THAT THERE ARE NO ILLEGAL SECURITY FORCES AND CLANDESTINE MACHINERY; REGULATION OF THE BEARING OF ARMS

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Military Reform

1. In order to maintain unlimited respect for human rights, there must be no illegal security forces nor any clandestine security machinery. The Government of Guatemala recognizes that it has an obligation to combat any manifestation thereof.

2. The Government of the Republic of Guatemala reiterates its commitment to continue with the purification and professionalization of the security forces. It also expresses the need to continue with the adoption and implementation of

effective measures so as to provide specific regulations governing the possession, bearing and use of firearms by individuals, in accordance with the law.

Page 6; Comprehensive Agreement on Human Rights; VI. MILITARY CONSCRIPTION

1. Conscription for compulsory military service must not be forced, nor should it be cause for a violation of human rights and, therefore, while military service should continue to be a civic duty and right, it must be just and non-discriminatory.

2. To that end, for its part, the Government of the Republic of Guatemala shall continue to adopt and implement the necessary administrative decisions and shall initiate, as soon as possible and in the spirit of this agreement, a new Military Service Act.

Page 13-15; Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in Democratic Society; IV. EXECUTIVE BRANCH; C. Armed forces

35. The signing of an agreement on a firm and lasting peace constitutes a fundamental change in relation to the conditions which have prevailed in Guatemala for more than three decades. This change has positive implications for State institutions, and in particular the Guatemalan armed forces. The role of the Guatemalan armed forces is defined as that of defending Guatemala's sovereignty and territorial integrity; they shall have no other functions assigned to them, and their participation in other fields shall be limited to cooperative activities. The measures laid down in this Agreement ensure that the doctrine, means, resources and deployment of the armed forces are in line with their functions and Guatemala's development priorities.

Constitutional reforms

36. The Government undertakes to sponsor the following amendments to the Guatemalan Constitution:

(a) Article 244. Constitution, organization and functions of the armed forces. The Guatemalan armed forces are a permanent institution in the service of the nation. They are unique and indivisible, essentially professional, apolitical, loyal and non-deliberative. Their function is to protect the sovereignty of the State and its territorial integrity. They consist of ground, air and naval forces. Their organization is hierarchical and based on the principles of discipline and obedience;

(b) Article 219. Military courts. The military courts shall take cognizance of the crimes and misdemeanours specified in the military code and in the corresponding regulations. Ordinary crimes and misdemeanours committed by military personnel shall be tried and judged by the ordinary courts. No civilian may be judged by military courts;

(c) Article 246. Duties and powers of the President over the armed forces. Replace the first paragraph by the following: "The President of the Republic is the Commander-in-Chief of the armed forces and shall issue his orders through the Minister of Defence, whether he is a civilian or a member of the military".

Legal framework

37. Amendments to the Constituent Act of the armed forces deriving from the amendments to the Guatemalan Constitution, and amendments deriving from the peace agreements, shall be sponsored.

Military doctrine

38. A new military doctrine shall be formulated in accordance with the reforms envisaged in this Agreement. The doctrine shall encompass respect for the Guatemalan Constitution, human rights, the international instruments ratified by Guatemala in the military field, protection of national sovereignty and

independence, the territorial integrity of Guatemala and the spirit of the agreements on a firm and lasting peace.

Size and resources

39. The size and resources of the Guatemalan armed forces shall be sufficient to enable them to discharge their function of defending Guatemala's sovereignty and territorial integrity, and shall be commensurate with the country's economic capabilities.

Educational system

40. The necessary amendments shall continue to be made to the corresponding regulations so that the military education system is consistent, in its philosophical framework, with respect for the Guatemalan Constitution and other laws, with a culture of peace and democratic coexistence, with the doctrine defined in this Agreement, and with national values, the integral development of the individual, knowledge of our national history, respect for human rights and the identity and rights of the indigenous peoples, and the primacy of the individual.

Arms and munitions

41. The Government shall adopt the most appropriate policies for the acquisition of combat weapons and equipment in accordance with the new functions of the armed forces. The operation of the munitions factory shall be taken into account so that it can meet the needs of the civilian public security forces.

Restructuring

42. The public educational, financial, health, commercial, assistance and insurance institutions, installations and offices corresponding to the needs and functions of the Guatemalan armed forces shall operate under the same conditions as other similar not-for-profit institutions. All the graduates of the Adolfo V. Hall institutes shall join Guatemala's military reserves. The Guatemalan armed forces shall allocate programmes to them for that purpose. The Government shall decide on an appropriate use for the television frequency allocated to the Guatemalan armed forces.

Military and community service

43. The practice of voluntary military recruitment shall be continued, until the Government of Guatemala, on the basis of the Comprehensive Agreement on Human Rights, adopts the necessary administrative decisions, and the Guatemalan Congress approves a civil service law, which shall include military service and community service; this law shall entail fulfillment of a duty and a constitutional right, which is neither compulsory nor a violation of human rights, is universal and non-discriminatory, and would reduce the length of service and offer options to citizens.

44. On the basis of these general principles, the Government undertakes to sponsor the above-mentioned law, which shall be drafted on the basis of what has been agreed on and achieved by the joint working group which is currently considering the matter.

Page 19-20; Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in Democratic Society; VII. OPERATIONAL CONSIDERATIONS RESULTING FROM THE END OF THE ARMED CONFLICT

Reducing the size and budget of the armed forces

63. As from the signing of the agreement on a firm and lasting peace, in keeping with the new situation and the definition of the functions of the armed services of Guatemala contained in this Agreement, the Government of Guatemala shall begin a progressive process aimed at achieving the following:

(a) Reorganizing the deployment of military forces in the country, in 1997, assigning them for the purposes of national defence, border patrol and protection of sea, land and air jurisdiction;

(b) Reducing the size of the armed forces of Guatemala by 33 per cent in 1997, relative to its current size and organization;

(c) Redirecting and reallocating its budget to the constitutional functions and military doctrine referred to in this Agreement, making maximum use of available resources to achieve, by 1999, a 33 per cent reduction in military spending as a proportion of GDP, as compared to 1995. This will free resources from the Government's general budget to be applied to programmes in education, health and public safety.

Military training

64. The Government shall adapt and modify the content of those courses created in the context of the armed conflict with a view to counter-insurgency, to make them compatible with the new military education system and to guarantee the dignity of those involved, their observance of human rights, and the public-spiritedness of their role.

Page 3; Agreement on Constitutional Reforms and the Electoral Regime; I. CONSTITUTIONAL REFORMS

Whereas the above-mentioned reforms will contribute to political stability, the strengthening of civilian power and the agreed redefinition of the functions of the armed forces for the new era in the country's history which will begin with the signing of the Agreement on a Firm and Lasting Peace,

Page 5; Agreement on Constitutional Reforms and the Electoral Regime; I. CONSTITUTIONAL REFORMS; B. Constitutional reforms included in the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society

10. Within the framework of the modernization of State institutions, the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society provides for constitutional reforms with respect to the Congress of the Republic, the Judiciary, the functions of the President of the Republic, and the Guatemalan armed forces. [...]

Page 7-9; Agreement on Constitutional Reforms and the Electoral Regime; I. CONSTITUTIONAL REFORMS; B. Constitutional reforms included in the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society

Guatemalan armed forces

20. In a democratic society, the typical functions of the armed forces relate to the defence of sovereignty and territorial integrity; any other function is atypical and exceptional; like any other government institution, their exercise of other functions must take place in a context of subordination to lawfully constituted authority and be preceded by a decision of and be monitored by the lawfully constituted authorities of the State within their specific sphere of competence. Any exceptional function of the armed forces must therefore be decided by the President of the Republic, as Head of State and Commander-in-Chief of the Armed Forces, and be subject to oversight by the Congress of the Republic.

21. Moreover, like other Ministers of State, the Minister of Defence is called upon to perform policy-making functions which do not necessarily require that he have a strictly technical background. As a result, the current requirement that he be a member of the armed forces is not justified. In keeping with present-day conceptions of the organization of the judiciary, exclusive military jurisdiction in criminal matters should be confined to strictly military crimes and misdemeanours.

Constitution, organization and functions of the armed forces

22. Sponsor in the Congress of the Republic an amendment to article 244 of the Constitution so that it reads as follows:

"Article 244. Constitution, organization and functions of the armed forces. The Guatemalan armed forces are a permanent institution in the service of the nation. They are unique and indivisible, essentially professional, apolitical, obedient and non-deliberative. Their function is to defend the sovereignty of the State and the integrity of its territory. They consist of land, sea and air forces. Their organization is hierarchical and is based on the principles of discipline and obedience."

Functions of the President of the Republic

24. With regard to the functions of the President of the Republic, it has been agreed to sponsor the inclusion of the following in article 183:

"Where the normal means for the maintenance of public order and internal peace have been exhausted, the President of the Republic may, on an exceptional basis, use the armed forces for this purpose. The action of the armed forces shall always be temporary, shall be conducted under civilian authority and shall involve no limitation whatsoever on the exercise of the constitutional rights of citizens."

"To order these exceptional measures, the President of the Republic shall issue the corresponding agreement. The action of the armed forces shall be limited to such time and modalities as are strictly necessary and shall cease as soon as its purpose has been achieved. The President of the Republic shall keep the Congress informed of the operations of the armed forces, and the Congress may at any time order that such operations shall cease. In any event, within 15 days following the end of such operations, the President of the Republic shall submit to the Congress a detailed report on the action of the armed forces."

Duties and powers of the President over the armed forces

26. Also sponsor the redrafting of the first paragraph of article 246 so that it reads as follows:

"The President of the Republic is the Commander-in-Chief of the Armed Forces and shall issue his orders through the Minister of National Defence, whether the Minister is a civilian or a member of the armed forces."

Military courts

27. Sponsor in the Congress of the Republic the total redrafting of article 219 of the Constitution, so that it reads as follows:

"Article 219. Military courts. The military courts shall try the crimes and misdemeanours specified in the Military Code and in the corresponding regulations. Ordinary crimes and misdemeanours committed by military personnel shall be tried and judged by the ordinary courts. No civilian may be judged by military courts."

Page 24; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; III. TIMETABLE FROM 15 APRIL TO 31 DECEMBER 1997; F. Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society

Restructuring of the armed forces

132. Make the public educational, financial, health, commercial, assistance and insurance institutions, facilities and units corresponding to the needs and functions of the Guatemalan armed forces operate under the same conditions as other similar non-profit institutions. All graduates of the Adolfo V. Hall Institutes shall join the country's military reserves. Find an appropriate use for the television frequency assigned to the Guatemalan armed forces.

Disbanding of the Mobile Military Police

133. Disband and demobilize the Mobile Military Police.

Reorganization and deployment of military forces

134. Reorganize the deployment of military forces within the national territory, stationing them for purposes of national defence, border control and protection of Guatemala's maritime and territorial jurisdiction and airspace.

Reduction of the armed forces

135. Reduce the size of the Guatemalan armed forces by 33 per cent, based on current manning and equipment levels.

Reintegration of demobilized members of the armed forces

136. Put into effect programmes for the productive reintegration of any members of the armed forces who may be demobilized.

Page 9-12; Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society; IV. EXECUTIVE BRANCH

A. Security agenda

18. Security is a broad concept. It is not limited to protection against external armed threats, which is the responsibility of the army, or protection against threats to the public order and internal security, which is the responsibility of the National Civil Police. All the Guatemala peace agreements posit that a firm and lasting peace must be based on respect for human rights and for the multi-ethnic, multicultural and multilingual character of the Guatemalan nation; national economic development with social justice; social participation; the conciliation of interests; and democratic institution-building.
[...]

B. Public security

National Civil Police

21. The protection of life and the security of the citizens, the maintenance of public order, the prevention and investigation of crime and the swift and transparent administration of justice cannot be guaranteed without the appropriate structuring of the public security forces. The design of a new model and its implementation are fundamental aspects of the strengthening of civilian power.

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Police Reform

22. Accordingly, the restructuring of the country's existing police forces into a single National Civil Police, which would be responsible for public order and internal security, is necessary and cannot be delayed. This new police force should be professional and under the authority of the Ministry of the Interior. To that end, the Government undertakes to adopt, when it falls within its purview to do so, and to promote to the Congress of the Republic, when it falls within the purview of that body to do so, the following measures:

Constitutional reforms

23. The reform of the Constitution shall establish the functions and main characteristics of the police force as follows:

"The National Civil Police shall be a professional and hierarchical institution. It shall be the only armed police force competent at the national level whose function is to protect and guarantee the exercise of the rights and freedoms of the individual; prevent, investigate and combat crime; and maintain public order and internal security. It shall be under the direction of the civil authorities and shall maintain absolute respect for human rights in carrying out its functions.

"The law shall govern the requirements and procedures for admission to the police profession, as well as promotions, advancement, transfers, disciplinary action against officers and employees in the profession and other questions related to the functioning of the National Civil Police."

Legal reforms

24. This includes submission of a bill on security and the police, which would govern the functioning of the police system in Guatemala in accordance with constitutional reforms and the provisions contained in this Agreement.

25. The issue of a new Act on Public Order shall be promoted, consistent with democratic principles and the strengthening of civilian power. Any excess in the application of the new Act shall be duly punished. The limitations established by law in the interest of maintaining public order shall in no case permit excesses that would violate the general enjoyment of rights nor shall they empower the authorities to restrict rights other than those described in article 138 of the Constitution.

Organization

26. The police shall be organized as follows:

(a) A single police force shall be established under the authority of the Ministry of the Interior;

(b) It shall be hierarchically structured with a chain of command and duly established responsibilities;

(c) The multi-ethnic and multicultural character of Guatemala shall be taken into account in the recruitment, selection, training and deployment of police personnel;

(d) The necessary specialized departments shall be established to carry out its work, including the control of drug trafficking and smuggling, tax and customs control, arms registry and control, information and criminal investigation, conservation of the cultural heritage and the environment, border security, transit and road safety.

Police profession

27. The police profession shall be established in accordance with the following criteria:

(a) All members of the new police force shall receive training at the Police Academy, where they will be given extensive professional preparation and imbued with a culture of peace, respect for human rights and democracy, and compliance with the law;

(b) Appropriate regulations shall be established to govern recruitment and personnel administration policies. Professional police officers shall be required to provide their services within the institution for a minimum of two years;

(c) Members of the police force shall receive decent wages commensurate with their functions and an adequate benefits package.

The Police Academy

28. The Police Academy shall oversee admission to the police profession, and advancement and specialization within it. It must guarantee objectivity and equality of opportunity in its selection of candidates and the suitability of the recruits for the performance of their duties as professional police officers.

29. The Police Academy shall train the new police personnel as officers, inspectors, commanders and chiefs and retrain the current personnel, providing them with sufficient resources to carry out their assignments. Basic police training shall last a minimum of six months.

Functioning

30. The Government undertakes to promote a police and public security restructuring plan based on this Agreement, to which end the support of the international community and MINUGUA will be requested, taking into consideration international standards in this area. This restructuring plan shall be given the necessary resources for the national deployment of professional personnel, taking into account all the specialities of a modern national civil police force, and shall provide, inter alia, for the following steps to be taken:

(a) By late 1999, a new National Civil Police force, comprised of at least 20,000 members, shall be functioning throughout the national territory, under the authority of the Ministry of the Interior, in order to fulfill the commitments outlined herein and the specific tasks assigned to them;

(b) In particular, the capacities of the police in the area of information and criminal investigation shall be strengthened, in order to enable them to collaborate effectively in crime control and the swift and effective administration of justice with emphasis on coordination between the National Civil Police, the Public Prosecutor's Office and the judiciary;

(c) Cooperation between the National Civil Police and the municipal police forces shall be strengthened within the context of their respective powers;

(d) A transition procedure shall be established for the implementation of the provisions of paragraph (a) above in order to ensure that the graduates of the Academy are a positive element in the National Civil Police as a whole;

(e) The communities shall participate, through their representatives, in promoting the police profession, proposing candidates who meet the requirements and supporting the officers who will be responsible for public security at the local level;

(f) By the year 2000, the Government undertakes to increase its expenditure on public security as a percentage of the gross domestic product by 50 per cent over the amount expended in 1995.

International cooperation

31. The Parties urge the international community to grant such technical and financial cooperation as is required for the immediate implementation of all measures that will lead to the modernization and professionalization of the public security system in Guatemala.

Page 7; Agreement on Constitutional Reforms and the Electoral Regime; I. CONSTITUTIONAL REFORMS; B. Constitutional reforms included in the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society; National Civil Police

19. Sponsor in the Congress of the Republic the inclusion of an article in the Constitution defining the functions and main characteristics of the National Civil Police as follows:

"The National Civil Police is a professional and hierarchical institution. It is the only armed police force with national jurisdiction and its function is to protect and safeguard the exercise of the rights and freedoms of individuals; to prevent, investigate and combat crime; and to maintain public order and internal security. It shall be under the control of civilian authorities and shall show strict respect for human rights in carrying out its functions.

"The law shall regulate the requirements and procedures for admission to the police profession, as well as promotions, advancement, transfers, disciplinary action against police officials and employees and other questions related to the functioning of the National Civil Police."

Page 10; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; II. TIMETABLE FOR THE 90 DAYS FROM 15 JANUARY 1997; F. Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society

National Civil Police

32. Sponsor and introduce the legislative proposal regulating the functioning of the new National Civil Police.

Police Academy

33. Stipulate that members of the new police force shall receive training at the Police Academy, where they shall be given extensive professional preparation and imbued with a culture of peace, respect for human rights and democracy, and obedience to the law.

Page 23; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; III. TIMETABLE FROM 15 APRIL TO 31 DECEMBER 1997; F. Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society; National Civil Police

126. Put forward the proposals and take the action necessary to establish a career police service.

127. Promote action and programmes to strengthen the Police Academy so that it can train new police personnel as officers, inspectors, commanders and superintendents and retrain existing personnel.

128. Define procedures for ensuring that admission to the police profession and advancement and specialization within it take place through the Police Academy.

Page 31; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; IV. TIMETABLE FOR 1998, 1999 AND 2000; D. Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society

Private security companies

183. Sponsor and introduce a bill regulating the functioning and scope of private security companies, with a view to monitoring their activities and the professionalism of their personnel, and ensure, in particular, that such companies and their employees limit their operations to their own sphere of activity, under the strict control of the National Civil Police.

National Civil Police

184. By late 1999, have the National Civil Police functioning throughout the national territory, with a force of at least 20,000 members.

Page 40; Agreement on a firm and lasting peace; IV. FINAL PROVISIONS

Second. This Agreement shall be widely publicized, especially through formal education programmes.

Page 6; Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict; II. GUARANTEES FOR THE RESETTLEMENT OF UPROOTED POPULATION GROUPS

5. In view of the efforts being made by uprooted communities to improve the level of education of their people and of the need to support and provide continuity to this process, the Government undertakes to:

5.1. Recognize the formal and informal educational levels of uprooted persons, through the use of rapid evaluation and/or certification procedures;

5.2. Recognize the informal studies of education and health promoters and grant them, following an appropriate evaluation, equivalent credit.

6. The Parties request the United Nations Educational, Scientific and Cultural Organization (UNESCO) to elaborate a specific plan to support and provide continuity to efforts to educate the population groups in the resettlement areas, including providing continuity to the efforts being made by the uprooted communities.

tr_edu Education Reform

Page 9-10; Agreement on identity and rights of indigenous peoples; III. CULTURAL RIGHTS; G. Education reform

1. The educational system is one of the most important vehicles for the transmittal and development of cultural values and knowledge. It must be responsive to the cultural and linguistic diversity of Guatemala, recognizing and strengthening the cultural identity of indigenous peoples, the values and educational systems of the Maya and other indigenous peoples, and the need to afford access to formal and non-formal education and to include the educational concepts of indigenous peoples in national school curricula.

2. To this end, the Government undertakes to promote the following reforms in the educational system:

(a) Decentralize and regionalize the system in order to adapt it to linguistic and cultural needs and specific features;

(b) Give communities and families, which are a source of education, an active role in determining curricula and the school calendar and the authority to recommend the appointment or removal of teachers in order better to serve the educational and cultural interests of communities;

(c) Incorporate the educational concepts of the Maya and other indigenous peoples, particularly in the philosophical, scientific, artistic, pedagogical, historical, linguistic and socio-political areas, as part of the overall reform of the educational system;

(d) Expand and promote intercultural bilingual education and place emphasis on the study and knowledge of indigenous languages at all educational levels;

(e) Promote improvements in the socio-economic living conditions of communities by developing the values, content and methods of their culture, technological innovations and the ethical principle of protection of the environment;

(f) Include in educational syllabuses programmes that strengthen national unity through respect for cultural diversity;

(g) Recruit and train indigenous bilingual teachers and technical and administrative officials to develop education in their communities and to introduce mechanisms to permit consultation with and the participation of representatives of indigenous communities and organizations in the educational process;

(h) Pursue the effective realization of the constitutional right to education to which the entire population is entitled, especially in indigenous communities which exhibit the lowest levels of educational coverage, by expanding such coverage and taking steps to ensure the achievement of these objectives; and

(i) Increase the budget of the Ministry of Education, so that a substantial part of this increase can be allocated to the implementation of educational reform.

3. As part of the educational reform, full account shall be taken of the different Mayan educational experiences. The Mayan Schools shall continue to be encouraged and the National Programme of Intercultural Bilingual Education for indigenous peoples and the Mayan Culture and Language Component for the entire school population of Guatemala shall be consolidated. The establishment of a Mayan university or indigenous institutions of higher learning and the operation of the National Council of Mayan Education shall also be promoted.

4. In order to facilitate access by indigenous people to formal and non-formal education, the system of scholarships and student grants shall be strengthened. Teaching materials containing cultural and gender stereotypes shall also be revised.

5. A joint commission comprised of representatives of the Government and of indigenous organizations shall be established to design the above-mentioned reform.

Page 10-12; Agreement on Social and Economic Aspects and Agrarian Situation; II. SOCIAL DEVELOPMENT; A. Education and training

21. Education and training have a fundamental role in the country's economic, cultural, social and political development. They are central to the strategy of equity and national unity, and vital for economic modernization and international competitiveness. Reform of the educational system and of its administration is therefore necessary, as is the implementation of coherent and forceful State policies in the field of education, in order to achieve the following objectives:

(a) To affirm and disseminate the moral and cultural values and the concepts and behaviour patterns which are the foundations of democratic coexistence, including respect for human rights, for the cultural diversity of Guatemala, for the productive work of its people and the protection of the environment and for the values and mechanisms of power-sharing and social and political consensus-building which constitute the basis of a culture of peace;

(b) To avoid the perpetuation of poverty and of social, ethnic, sexual and geographical forms of discrimination, particularly those which arise from the divide between urban and rural society;

(c) To contribute to the application of technical and scientific progress and, consequently, to the achievement of higher productivity, the creation of more jobs and increased income for the population, and beneficial integration into the world economy.

22. In response to the country's needs in the field of education, the Government undertakes to:

Spending on education

(a) Implement significant increases in the resources allocated to education. By the year 2000, the Government proposes to step up public spending on education as a proportion of gross domestic product by at least 50 per cent over its 1995 level. These targets will be revised upwards in the light of future developments in State finances;

Adjustment of educational curricula

(b) Adjust educational curricula in accordance with the objectives set out in paragraph 21. These adjustments will take into account the conclusions of the Education Reform Commission established by the Agreement on identity and rights of indigenous peoples;

Coverage

(c) Expand, as a matter of urgency, the coverage of education services at all levels, and in particular the provision of bilingual education in rural communities, by means of:

(i) The integration of children of school age into the educational system, ensuring that they complete the pre-primary and primary levels and the first level of secondary school; in particular, by the year 2000, the Government undertakes to provide access, for all those between ages 7 and 12, to at least three years of schooling;

(ii) Literacy programmes in as many languages as is technically feasible, with the participation of suitably qualified indigenous organizations; the Government undertakes to raise the literacy rate to 70 per cent by the year 2000; and

(iii) Education, training and technical courses for adults;

Occupational training

(d) Develop, with appropriate and efficient methodology, training programmes in communities and enterprises for the retraining and technical updating of workers, with emphasis on the inhabitants of isolated areas and rural communities, with support from those sectors which are able to collaborate in this undertaking;

Training for participation

(e) Provide training to enable social organizations at the municipal, regional and national levels to take part in socio-economic development, including the fields of public administration, fiscal responsibility and consensus-building;

Civic education programme

(f) Design and implement a national civic education programme for democracy and peace, promoting the protection of human rights, the renewal of political culture and the peaceful resolution of conflicts. The mass media will be invited to participate in this programme;

Community-school interaction and community participation

(g) In order to encourage the enrollment of children in the educational system and to lower the school drop-out rate, the Government undertakes to encourage effective community and parental participation in the various aspects of the education and training services (curricula, appointment of teachers, school calendar, etc.);

Financial support

(h) Develop scholarship and student grant programmes, economic support and other incentives, to enable needy students to continue their education; Training of school administrators

(i) Develop continuing education programmes for teachers and school administrators;

Advisory commission

(j) For the purpose of designing and implementing the educational reform to be carried out by the Ministry of Education, an advisory commission attached to the Ministry will be set up, consisting of participants in the educational process, including representatives of the Education Reform Commission set up pursuant to the Agreement on identity and rights of indigenous peoples;

Higher education and research

(k) State-run higher education, the management, organization and development of which is the sole responsibility of the Guatemalan University of San Carlos, is a key factor in achieving economic growth, social equity, the dissemination of culture and a greater pool of technological know-how. The Government of the Republic undertakes to provide to the University of San Carlos, in a timely manner, the funding which is its prerogative under a constitutional mandate. With all due respect to the autonomy of the University, the parties urge the authorities of that distinguished institution to give favourable consideration to all initiatives which increase its contribution to the country's development and help to consolidate peace. The Government undertakes to heed such contributions and initiatives and to respond appropriately. Particular importance is attached to the development of the University's regional centres and of its internship programmes, especially in the poorest sectors. The Parties also urge the business sector to devote increased efforts to applied technological research and to human resources development, forging closer exchange links with the University of San Carlos;

Educational outreach workers

(l) Pursuant to the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict and the Agreement on identity and rights of indigenous peoples, community educational outreach workers shall be incorporated into the national education system, and due regard shall be given to suitable curricula for indigenous communities and uprooted population groups.

Page 8; Comprehensive Agreement on Human Rights; X. INTERNATIONAL VERIFICATION BY THE UNITED NATIONS, Functions

11. The mission may disseminate information relating to its functions and activities to the Guatemalan public through the mass media.

Page 10; Comprehensive Agreement on Human Rights; XI. FINAL PROVISIONS

4. The present agreement shall be widely disseminated throughout Guatemala, in the Spanish and indigenous languages. This task shall be the responsibility of the Counsel for Human Rights and the relevant government offices.

Page 4; Agreement on identity and rights of indigenous peoples; II. STRUGGLE AGAINST DISCRIMINATION; A. Struggle against de jure and de facto discrimination

2. For its part, with a view to eradicating discrimination against the indigenous peoples, the Government shall take the following measures:

[...]

(c) Widely disseminate information on the rights of the indigenous peoples through education, the communications media and through other channels; and

Page 5; Agreement on identity and rights of indigenous peoples; II. STRUGGLE AGAINST DISCRIMINATION; B. Rights of indigenous women

2. The communications media and organizations concerned with the promotion of human rights are urged to cooperate in the attainment of the objectives listed in this section.

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Media Reform

Page 6; Agreement on identity and rights of indigenous peoples; III. CULTURAL RIGHTS; A. Language

2. To that end, the Government shall take the following measures:

[...]

(d) Inform indigenous communities, in their own languages in keeping with the traditions of the indigenous peoples and by adequate means, of their rights, obligations and opportunities in various areas of national life. Recourse shall be had, if necessary, to written translations and the use of mass communications media in the languages of those peoples;

[...]

(f) Enhance the status of indigenous languages, opening up new opportunities for them in the mass communications and cultural transmission media, strengthening such organizations as the Academy of Mayan Languages and other similar institutions; and

Page 10-11; Agreement on identity and rights of indigenous peoples; III. CULTURAL RIGHTS; H. Mass media

1. Like the educational system, the communications media play a paramount role in the defence, development and transmittal of cultural values and knowledge. It is the responsibility not only of the Government but also of all those working in and involved with the news media to promote respect for indigenous cultures, the dissemination of such cultures, and the elimination of all forms of discrimination, and to help all Guatemalans to take full possession of their multicultural heritage.

2. For its part, in order to promote the broadest possible access to the communications media by the Maya communities and institutions and those of the other indigenous peoples, the widest possible dissemination in indigenous languages of the indigenous, and especially Mayan, cultural heritage, as well

as of the universal cultural heritage, the Government shall, in particular, take the following measures:

(a) Create opportunities in the official media for the dissemination of expressions of indigenous culture and promote a similar opening in the private media;

(b) Promote, in the Guatemalan Congress, the reforms of the existing Act on radio communications that are required in order to make frequencies available for indigenous projects and to ensure respect for the principle of non-discrimination in the use of the communications media. Furthermore, promote the abolition of any provision in the national legislation which is an obstacle to the right of indigenous peoples to have their own communications media for the development of their identity; and

(c) Regulate and support a system of informational, scientific, artistic and educational programmes on indigenous cultures in their languages, through the national radio, television and the written media.

Page 25; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; IV. TIMETABLE FOR 1998, 1999 AND 2000; A. Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict; Radio Communications Act

142. Sponsor and introduce in the Congress of the Republic amendments to the Radio Communications Act making frequencies available for indigenous projects.

Page 19-20; Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society; VII. OPERATIONAL CONSIDERATIONS RESULTING FROM THE END OF THE ARMED CONFLICT

Voluntary Civil Defence Committees (CVDC)

61. The Government shall ask the Congress of the Republic to repeal the decree creating CVDCs, effective on the day of the signing of the agreement on a firm and lasting peace. Demobilization and disarming of CVDCs shall take place within 30 days from the repeal of the decree. The CVDCs including those already demobilized, shall no longer have any institutional relationship with the armed forces of Guatemala and shall not be restructured in such a way as to restore that relationship.

Mobile military police

62. The Parties agree that the mobile military police shall be disbanded within one year from the signing of the agreement on a firm and lasting peace, at the end of which time its members will have been demobilized.

Reducing the size and budget of the armed forces

63. As from the signing of the agreement on a firm and lasting peace, in keeping with the new situation and the definition of the functions of the armed services of Guatemala contained in this Agreement, the Government of Guatemala shall begin a progressive process aimed at achieving the following:

(a) Reorganizing the deployment of military forces in the country, in 1997, assigning them for the purposes of national defence, border patrol and protection of sea, land and air jurisdiction;

(b) Reducing the size of the armed forces of Guatemala by 33 per cent in 1997, relative to its current size and organization;

(c) Redirecting and reallocating its budget to the constitutional functions and military doctrine referred to in this Agreement, making maximum use of available resources to achieve, by 1999, a 33 per cent reduction in military spending as a proportion of GDP, as compared to 1995. This will free resources from the Government's general budget to be applied to programmes in education, health and public safety.

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Demobilization,
Disarmament &
Reintegration

Military training

64. The Government shall adapt and modify the content of those courses created in the context of the armed conflict with a view to counter-insurgency, to make them compatible with the new military education system and to guarantee the dignity of those involved, their observance of human rights, and the public-spiritedness of their role.

Reintegration programmes

65. The Government undertakes to design and implement, after the signing of the agreement on a firm and lasting peace, programmes to promote the productive reintegration of those members of the armed forces who may be demobilized as a result of this Agreement, with the exception of those found guilty of committing a criminal act. These programmes shall end within one year. The Government shall ensure that these plans receive the necessary funding.

Page 6; Agreement on the definitive ceasefire

Whereas:

The definitive ceasefire is the outcome of the concluding of the substantive agreements emanating from the peace process and is also related to the operational agreements on "Basis for the integration of the Unidad Revolucionaria Nacional Guatemalteca (URNG) in the political life of the country" and the "Timetable for the implementation and verification of the peace agreements", according to which the staggered demobilization of URNG forces called for under this Agreement must be started at the same time as the implementation of the undertakings set out in the peace agreements,

Page 10; Agreement on the definitive ceasefire; B. Separation of Forces

Disarming of URNG

24. Disarming shall consist of the depositing, registration and handing over to the United Nations of all types of offensive and defensive weapons, munitions, explosives, mines and other supplementary military equipment in the possession of URNG forces, whether in their possession or in minefields or clandestine storage anywhere.

Control of armaments

25. From D+11 to D+42 in URNG assembly points, weapons, munitions and other military equipment shall be deposited in special warehouses designated by the United Nations; combatants, however, shall keep their personal equipment and weapons as long as they remain in those locations.

26. Each warehouse shall have two locks; one key shall be held by the United Nations and the other by the URNG official in charge of each encampment. The United Nations shall periodically check the inventory of each warehouse.

Page 10-11; Agreement on the definitive ceasefire; C. Demobilization

Concept

27. Demobilization means the ending of URNG military structures in the agreed assembly points. The integration of URNG in the country's political life shall proceed in accordance with the agreement on basis for the integration of URNG into the political life of the country, which is subject to United Nations verification.

Operational aspects

28. The phased demobilization of URNG combatants and their integration, within a framework of legality, into the civil, political, socio-economic and institutional life of the country shall be based on the provisions of the

agreement on basis for the integration of URNG into the political life of the country and in accordance with the implementation of the agreement on the timetable for implementation and verification of the peace agreements. The demobilization shall be carried out as follows:

- (a) From D+43 to D+48: 33 per cent;
- (b) From D+49 to D+54: 66 per cent;
- (c) From D+55 to D+60: 100 per cent.

Logistical support

29. A commission made up of representatives of URNG and of the Government of Guatemala shall be established under the coordination of the United Nations, in order to provide logistical support to the ceasefire and demobilization process. The number of members of the Commission shall be determined in accordance with needs.

Handing over of weapons and munitions

30. Prior to the demobilization of the last group of combatants, and by D+60 at the latest, URNG shall hand over to the United Nations all weapons and military equipment of its forces whether in its possession or in storage.

Page 15; Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca

[...]

Whereas completion of the negotiating process with a view to finding a political solution to the internal armed conflict calls for the establishment of a set of measures to integrate URNG as a lawful body,

Recognizing the determination of URNG to convert its political-military forces into a duly authorized political party that will operate within the Guatemalan legal system,

Recognizing that the legal integration of members of URNG, in full exercise of their constitutional rights and duties and in security and dignity, will contribute to the democratic process and its consolidation, the restoration of the social fabric in Guatemala, reconciliation and the establishment of a firm and lasting peace,

Calling on the State as a whole, all sectors of Guatemalan society and the international community to assist in and contribute to the process of integrating URNG,

The Government of Guatemala and URNG (hereinafter referred to as "the Parties") have agreed as follows:

I. DEFINITIONS

1. The "legal integration of URNG" means the process whereby URNG members are to be integrated into political, economic, social and cultural life in a context of dignity, security, legal safeguards and the full exercise of their civil rights and duties.

2. The process of integrating members of URNG shall begin with the signing of the Agreement on a Firm and Lasting Peace and shall lead to their lasting integration into the civil life of the country. The integration process shall be divided into two phases: an initial integration phase, which shall last one calendar year starting on D+60, and a subsequent, definitive integration phase, for the medium term, in which the support required to consolidate the process will be provided.

Initial integration phase

3. There shall be two separate procedures during the initial integration phase, which shall be applied according to the status of the URNG members concerned:

(a) The procedure applicable to members of the various guerrilla fronts and other combatants, according to the definitions set out in paragraph 20 of the Agreement on the Definitive Ceasefire. Such procedure shall be divided into two stages:

(i) The demobilization stage, which shall last two months and means the ending of URNG military structures at the agreed assembly points.

This stage shall include services such as the provision of temporary documentation and vocational training and guidance, with a view to facilitating the subsequent integration of demobilized combatants.

The verification authority shall transmit to the Special Integration Commission a definitive list of demobilized combatants drawn up at assembly points no later than D+30;

(ii) The reinsertion stage, which shall begin upon completion of the demobilization process (D+60) and end one year later. Its basic purpose is to provide emergency assistance to former combatants and create conditions conducive to a smooth transition to the definitive integration phase. The minimum requirements to be met during such phase are (but shall not be limited to):

- Provision of inputs and services appropriate to an emergency situation;
- Beginning of training and employment programmes;
- Establishment of financial machinery to obtain the resources needed to launch the definitive integration phase;
- Identification of government social and economic programmes for the population as a whole that can provide assistance to former combatants and to members of URNG internal structures who are to be integrated during the definitive integration phase, on terms similar to those for other beneficiaries of such programmes;

(b) The procedure applicable to other URNG members, members of the internal political structure and Guatemalans forming part of the international support structure who are not subject to the demobilization process. Provision shall be made for them to receive the necessary support for their legal integration, and, based on their individual circumstances, other services to facilitate their integration into productive life. URNG shall transmit to the verification authority by D-15 at the latest a list of non-demobilized members who are to be beneficiaries of this procedure. The authority shall, in turn, transmit such list to the Special Integration Commission once it has been set up.

4. The Government of Guatemala and URNG pledge to take the necessary steps to ensure completion of the initial integration stage, and they request assistance from the international community to that end. For the execution of the relevant programme, subprogrammes and projects, a Special Integration Commission shall be set up, with the participation of the Government of Guatemala, URNG and, in a consultative capacity, donor and cooperative countries and agencies. To ensure full participation by beneficiaries in the design, execution and evaluation of projects and programmes concerning them, an Integration Foundation shall be set up which shall be directly involved in the various stages of the integration process.

Definitive integration phase

5. One year after D+60, beneficiaries of both procedures shall become eligible for longer-term services provided by the Government, including financial, technical, legal and employment assistance and assistance in the areas of education, training and production projects with a view to ensuring their lasting integration into the economic, social and cultural life of the country, on the same terms as the rest of the Guatemalan population. Additional specific projects for URNG members shall be the responsibility of the Integration Foundation. The Parties call on international cooperation to provide technical and financial support to ensure the success of the definitive integration phase.

Integration programme

6. "URNG integration programme" means the package of legal, political, economic and security measures and provisions, and also subprogrammes and projects, which are to ensure the success of the integration process. This programme shall be carried out in accordance with the objectives and principles set out below.

II. OBJECTIVES AND PRINCIPLES

Objectives

7. The integration programme shall seek to create the best possible conditions for the integration of URNG members into the legal, political, social, economic and cultural life of the country, in security and dignity.

8. The initial integration phase shall seek to provide URNG members, particularly former combatants, with the necessary means to embark upon their lasting integration by means of productive, educational, training and other activities. Appropriate use of such means shall be the responsibility of the beneficiaries.

9. The definitive integration phase shall seek to provide URNG members, particularly former combatants, with the necessary support to consolidate their integration. The integration programme shall also seek to contribute to the development of the country and to national harmony.

Principles

10. The Government of Guatemala undertakes to guarantee the political, legal and security conditions and promote the social and economic conditions necessary for the implementation of the integration programme.

11. URNG undertakes to do everything possible to ensure the successful integration of all of its members into the social, economic and cultural life of the country through the implementation of the programme.

12. The programme shall treat former combatants, women, young people and disabled persons as sectors requiring specific priority attention.

13. In view of the diverse personal circumstances of the URNG members who are being integrated into lawful life, the programme shall be implemented in a flexible manner appropriate to their needs.

14. In order to ensure such flexibility, subprogrammes and projects designed, managed and implemented with the full participation of beneficiaries shall be promoted, in accordance with the institutional arrangements set out in this Agreement.

15. Whenever relevant, and particularly in the case of production projects, efforts shall be made to ensure that the programme has a positive impact on the communities in which it is carried out and that it is designed and implemented in consultation with them.

III. ELEMENTS OF THE INTEGRATION PROGRAMME

16. The URNG integration programme shall consist of the following elements:

A. Legal area

National Reconciliation Act

17. The Government shall sponsor in the Congress of the Republic a draft National Reconciliation Act whose object shall be, in accordance with the spirit and content of the Peace Agreements, to promote a culture of harmony and mutual respect that will eliminate any form of revenge or vengeance, while safeguarding the fundamental rights of the victims, as prerequisites for a firm and lasting peace.

The right to know the truth

18. In recognition of the inalienable right of any society to know the truth, the National Reconciliation Act shall instruct the Commission to Clarify Past Human Rights Violations and Acts of Violence that Have Caused the Guatemalan Population to Suffer (the "Clarification Commission") to devise means whereby the truth about the period of the internal armed conflict may be known and acknowledged, in order to avoid a repetition of such events. The Act shall require all State bodies and entities to provide the Commission with the support necessary for the accomplishment of its tasks, in accordance with the purposes specified in the relevant agreement.

The right of redress

19. On the principle that any violation of human rights entitles the victim to obtain redress and imposes on the State the duty to make reparation, the Act shall assign to a State body responsibility for implementing a public policy of compensation for and/or assistance to the victims of human rights violations. The body in question shall take into consideration the recommendations to be formulated in that regard by the Clarification Commission.

Extinction of criminal liability

20. With a view to promoting national reconciliation, without neglecting the need to combat impunity, the National Reconciliation Act shall contain a clause allowing URNG members to be integrated into lawful life.

Political crimes

21. In relation to the aforesaid clause, the National Reconciliation Act shall declare the extinction of criminal liability for political crimes committed in the internal armed conflict up to the date on which the Act enters into force and shall cover persons who perpetrated, abetted or were accessories to crimes against State security, public institutions and the public administration, as defined in articles 359, 360, 367, 368, 375, 381, 385 to 399, 408 to 410 and 414 to 416 of the Penal Code and in Title VII of the Arms and Munitions Act. In such cases, the Public Prosecutor's Office shall refrain from exercising a right of action and the judicial authority shall dismiss proceedings.

Related common crimes

22. Also in relation to the clause mentioned in paragraph 20, the National Reconciliation Act shall extinguish criminal liability for related common crimes committed in the armed conflict, such crimes being defined as those which are directly, objectively, intentionally and causally related to the commission of the political crimes referred to in the preceding paragraph and which cannot be shown to be motivated by personal goals. The common crimes which are defined as related to the political crimes mentioned in the preceding paragraph are those described in articles 214 to 216, 278, 279, 282 to 285, 287 to 289, 292 to 295, 321, 325, 330, 333, 337 to 339, 400 to 402, 404, 406 and 407 of the Penal Code.

Other extinctions of criminal liability

23. In respect of persons who were involved in the internal armed conflict owing to institutional mandates, the National Reconciliation Act shall contain specific provisions equivalent to those previously mentioned, in that they shall extinguish criminal liability for common crimes perpetrated with the aim of preventing, thwarting, suppressing or punishing the commission of political crimes and related common crimes, where such crimes were directly, objectively, intentionally and causally related to that aim, unless it is demonstrated that there is no relationship between the criminal act and the stated aim.

Restrictions

24. The provisions in the National Reconciliation Act which extinguish criminal liability shall under no circumstances extend to crimes which, under domestic law or the international treaties ratified or signed by Guatemala, are imprescriptible or are not subject to an extinction of criminal liability.

Proceedings

25. The judicial proceedings for related common crimes shall be consistent with guarantees of due process, shall be expeditious and adversarial, and shall comprise the following stages:

(i) If the Public Prosecutor's Office or a judicial authority is to try one of the crimes referred to in paragraphs 22 and 23, it shall transfer the case immediately to the appeals court division having jurisdiction in the matter. The court shall notify the aggrieved person, defined as such in article 117 of the Code of Criminal Procedure, the Public Prosecutor's Office and the defendant, ordering them to appear within the same period of 10 working days.

(ii) After this period has elapsed, the court shall have five working days in which to issue a reasoned order declaring the extinction valid or invalid and, where appropriate, dismissing the proceedings. If, after the period for notification of the parties has elapsed, the court feels that it needs additional information in order to reach a decision, it shall convene an immediate oral hearing with the sole participation of the parties, at which it shall receive relevant evidence, hear statements by the parties or their lawyers and, immediately thereafter, issue a reasoned order declaring the extinction valid or invalid and, where appropriate, dismissing the proceedings. The oral hearing shall be held within 10 working days after the end of the period for notification of the parties. At least three days shall elapse between the summons and the hearing.

(iii) An appeal against the court's order shall be admissible only if it is submitted in writing, alleging grievances, within three days from the date of the last notification, by any of the parties having a legitimate interest in the case. If the appeal is declared admissible, the case shall be referred immediately to the amparo and preliminary judgments division of the Supreme Court, which shall decide within one week, without further hearings, to uphold, revoke or amend the contested order. The Supreme Court's decision shall not be subject to any form of appeal.

26. No coercive measures, such as committal orders, pretrial detention, measures in lieu of pretrial detention, remand or arrest shall be ordered during the proceedings. The alleged perpetrators, accused persons or defendants may be represented during the proceedings by their lawyers.

27. Upon conclusion of the proceedings, a certified copy of the entire case record shall be transmitted to the Clarification Commission.

Demobilization

28. In order to foster compliance with the demobilization of URNG members stipulated in the Agreement on the Definitive Ceasefire, the National Reconciliation Act shall establish the complete extinction of criminal liability for persons who perpetrated, abetted or were accessories to the crimes defined in articles 398, 399, 402 and 407 of the Penal Code and articles 87, 88 and 91 to 97, paragraph (c), of the Arms and Munitions Act and who committed such acts up to the date on which their demobilization was completed in accordance with the terms, conditions and time-limits stipulated in the aforesaid Agreement. The date on which that demobilization was completed shall be communicated officially by the United Nations verification authority.

Documentation

29. As a result of the conditions in which the internal armed conflict took place, many URNG members have no personal documentation. This limits the exercise of their civil rights and duties. To facilitate an immediate solution to this problem, the Government undertakes to sponsor in the Congress of the Republic the corresponding amendments to the Act on the Personal Documentation of the Population Uprooted by the Internal Armed Conflict (Decree 73-95). Such amendments, in addition to solving the documentation problems of uprooted population groups, shall resolve the lack of personal documentation of URNG members. The Congress shall be asked to consider and resolve this issue in the two months following the signing of the Agreement on a Firm and Lasting Peace.

Temporary documentation

30. Pending completion of the procedures required for the issue of permanent personal documentation, the verification authority shall be asked to issue

temporary documentation for demobilized combatants and other beneficiaries of the Agreement on the Basis for the Legal Integration of URNG.

Other documentation

31. The procedures for naturalization of children born abroad to Guatemalans belonging to URNG shall be expedited.

Other legal provisions

32. The Government undertakes to sponsor in the Congress such legal amendments as are needed to permit full compliance with this Agreement.

B. Political area

33. The Parties undertake to promote a climate of tolerance, openness and plurality which will foster reconciliation and understanding.

34. After the signing of the Agreement on a Firm and Lasting Peace, URNG members, like all other citizens, shall enjoy the full exercise of all their fundamental rights and freedoms (including freedom of organization, movement and residence and the right of political participation) and shall pledge to fulfill all their duties and obligations.

35. The Government considers that the transformation of URNG into a political party duly accredited with the corresponding bodies is a contribution to the strengthening of the rule of law and to the consolidation of a pluralist democracy.

C. Security area

36. The Government undertakes to adopt administrative measures to guarantee the necessary conditions for the effective exercise of the civil rights of URNG members, particularly the rights to life, security and physical integrity.

Respect for this undertaking shall be subject to special verification by the international verification authority, which may arrange for URNG members to be accompanied temporarily when the need arises.

37. The Government shall pay particular attention to any complaint of acts or incidents that threaten the safety of URNG members.

D. Socio-economic area

38. In the socio-economic area, the integration programme shall cover the following spheres:

Vocational guidance and training

39. URNG members shall receive vocational guidance and assistance during the demobilization phase, and subsequently if necessary. Once agreement is reached on the kind of economic activity in which they are to engage, they shall be eligible for specific programmes of technical and vocational training.

Education

40. The Government pledges to take the necessary administrative action for the recognition, equivalency rating, validation and legalization of formal and non-formal education completed by URNG members, using appropriate evaluation and equivalency rating mechanisms.

41. During the initial integration period, specific literacy, post-literacy and intensive technical training subprogrammes shall be launched.

42. As part of integration subprogrammes, URNG members may, with the Government's cooperation benefit from grants, scholarships or any other mechanism to help them continue their education.

43. The Parties request international cooperation in implementing these provisions on education, to which end the technical recommendations to be made by the Integration Foundation shall be taken into account.

Housing

44. During the initial integration stage, the Special Integration Commission shall promote appropriate housing conditions for URNG members who require it in order to carry out the corresponding subprogrammes and projects, with special emphasis on the needs of demobilized combatants. Before the end of the initial integration phase, the Special Commission shall pay special attention to guaranteeing access to housing for demobilized URNG members who settle in rural areas and to providing proper credit facilities for those settling in urban areas.

Health

45. In the demobilization phase, combatants gathered at assembly points shall receive a medical check-up. The necessary action will be taken to treat cases identified by the check-up either in the camps or locally. The Special Commission will ensure that patients who require further treatment are referred to the corresponding services. This subprogramme shall be carried out in cooperation and consultation with the URNG medical team.

Economic and production projects

46. The Parties agree that the integration of URNG members into civilian life requires that they participate actively in production on a basis of dignity, development and legality. To that end, the Parties agree that the Special Commission and the Foundation shall support projects for expanding production and generating employment in urban and rural areas which contribute to the fulfillment of this Agreement.

47. The orientation of such projects shall be in keeping with the provisions of the Agreement on Social and Economic Aspects and the Agrarian Situation.

Projects for the expansion of production shall be implemented in keeping with the plans and needs of the communities in which they are to be carried out and in consultation with them.

48. The Government, according to its financial capacities and the technical and financial support provided by international cooperation, shall provide the necessary start-up resources for these projects. It shall facilitate access to means of production, technical advice, credit and marketing channels on the same terms as for other similar projects. It also pledges to take the necessary action to facilitate and legally recognize the forms of organization required to promote these economic activities. Programmes involving individually- or collectively-owned land shall be processed through the Land Trust Fund, on the same terms as other applicants.

E. Cultural area

49. Since a large proportion of URNG members are of Mayan origin, the Parties agree to stipulate that the integration programme must be implemented in conformity with the Agreement on Identity and Rights of Indigenous Peoples.

F. Special subprogrammes

Subprogramme for disabled persons

50. As a result of the internal armed conflict, a sector of the population is disabled and, as one of the most vulnerable and most severely affected groups, requires special priority attention under the programme envisaged in this Agreement.

51. The integration of this group is a more complex matter, because of the personal and social impact of their disability. As a result, specific projects will have to provide proper professional care for their rehabilitation and access to education and training so that they can be genuinely integrated into social and productive life in decent conditions.

Legal assistance

52. The integration programme shall provide for URNG members to receive legal assistance in dealing with the legal aspects of their integration.

Family reunification

53. The Parties agree to take all necessary measures to enable URNG members to be reunited with their families. The Government undertakes to extend all necessary facilities to that end.

54. The Government undertakes to cooperate with the Clarification Commission on matters relating to the issue of detained and disappeared URNG members and to contribute whatever resources, relevant measures and information might lead to the recovery of the remains of URNG members, including URNG combatants who died in combat.

IV. INSTITUTIONAL ARRANGEMENTS

[...]

Page 10; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; II. TIMETABLE FOR THE 90 DAYS FROM 15 JANUARY 1997; F. Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society; Demobilization of the Voluntary Civil Defence Committees

34. Conclude the demobilization and disarming of the Voluntary Civil Defence Committees within 30 days of the repeal of the decree creating them.

Page 13; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; II. TIMETABLE FOR THE 90 DAYS FROM 15 JANUARY 1997; H. Agreement on the Definitive Ceasefire Entry into force

Control of armaments

52. From D+11 to D+42 in URNG assembly points, weapons, munitions and other military equipment shall be deposited in special warehouses designated by the United Nations; combatants, however, shall keep their personal equipment and weapons as long as they remain in those locations.

Operational aspects

53. The phased demobilization of URNG combatants and their integration, within a framework of legality, into the civil, political, socio-economic and institutional life of the country shall take place in accordance with the provisions of the Agreement on the Basis for the Legal Integration of URNG and subject to the implementation of the Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements. The demobilization shall be carried out as follows:

- (a) From D+43 to D+48: 33 per cent;
- (b) From D+49 to D+54: 66 per cent;
- (c) From D+55 to D+60: 100 per cent.

Logistical support commission

54. A commission made up of representatives of URNG and of the Government of Guatemala shall be established, under the coordination of the United Nations, in order to provide logistical support to the ceasefire and demobilization process. The number of members of the Commission shall be determined in accordance with needs.

Handing over of weapons and munitions

55. Prior to the demobilization of the last group of combatants, and by D+60 at the latest, URNG shall hand over to the United Nations all weapons and military equipment of its forces, whether in its possession or in storage.

Page 14-15; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; II. TIMETABLE FOR THE 90 DAYS FROM 15 JANUARY 1997; I. Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca

Initial integration phase

58. The demobilization stage shall last two months and means the ending of URNG structures at the agreed assembly points. This stage shall include such as the provision of temporary documentation and vocational and guidance, with a view to facilitating the subsequent integration of demobilized combatants. The verification authority shall transmit to the Special Integration Commission no later than D+30 a definitive list of demobilized combatants drawn up at assembly points.

59. URNG shall transmit to the verification authority by D-15 at the latest a list of members not subject to assembly who are to be beneficiaries of the initial integration phase. The authority shall, in turn, transmit such list to the Special Integration Commission once it has been set up.

Temporary documentation

60. Request the verification authority to issue temporary documentation for demobilized combatants and other beneficiaries of the Agreement on the Basis for the Legal Integration of URNG.

Security of URNG

61. The Government undertakes to adopt administrative measures to guarantee the necessary conditions for the effective exercise of the civil rights of URNG members, particularly the rights to life, security and physical integrity, and shall pay special attention to any complaints regarding violations of the security of URNG members. Respect for this undertaking shall be subject to special verification by the international verification authority, which may arrange for URNG members to be accompanied temporarily when the need arises.

Vocational guidance and training

62. URNG members shall receive vocational guidance and assistance during the demobilization phase, and subsequently if necessary. Once agreement is reached on the kind of economic activity in which they are to engage, they shall be eligible for specific programmes of technical and vocational training.

Health

63. In the demobilization phase, ensure that combatants gathered at assembly points receive a medical check-up. The necessary action shall be taken to treat cases identified by the check-up, either in the camps or locally. The Special Integration Commission shall ensure that patients who require further treatment are referred to the corresponding services. This subprogramme shall be carried out in cooperation and consultation with the URNG medical team.

Legal assistance

64. Begin the provision of legal assistance to URNG members to help them deal with the legal aspects of their integration.

Family reunification

65. Initiate the necessary measures to enable URNG members to be reunited with their families. The Government undertakes to extend all necessary facilities to that end.

Special Integration Commission

66. Set up the Special Integration Commission, which shall consist of an equal number of representatives from the Government and URNG and, in a consultative capacity, representatives from donor and cooperating countries

and international cooperation agencies. The Commission shall be set up within 15 days following the signing of the Agreement on a Firm and Lasting Peace, and the Government shall issue the corresponding government decree to that effect.

Page 24; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; III. TIMETABLE FROM 15 APRIL TO 31 DECEMBER 1997; G. Agreement on the Basis for the Legal Integration of URNG; Integration programme

137. Implement the various aspects of the programme for the legal integration of URNG, including education, literacy training, housing, productive economic projects and family reunification.

Page 31; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; IV. TIMETABLE FOR 1998, 1999 AND 2000; E. Agreement on the Basis for the Legal Integration of URNG; Definitive integration phase

188. One year after D+60, beneficiaries shall become eligible for longer-term services provided by the Government, including financial, legal and employment assistance, training and production projects, with a view to ensuring their lasting integration into the economic, social and cultural life of the country on the same terms as the rest of the Guatemalan population. Additional specific projects for URNG members shall be the responsibility of the Integration Foundation. The Parties call on international cooperation to provide technical and financial support to ensure the success of the definitive integration phase.

Page 7-15; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; II. TIMETABLE FOR THE 90 DAYS FROM 15 JANUARY 1997

A. Comprehensive Agreement on Human Rights

Compensation for and/or assistance to victims of human rights violations

10. Establish the State body responsible for public policy regarding compensation for and/or assistance to victims of human rights violations, and present a compensation program.

B. Agreement, on Resettlement of the Population Groups Uprooted by the Armed Conflict

Documentation

11. Sponsor in the Congress of the Republic the necessary amendments to the Act on the Personal Documentation of the Population Uprooted by the Internal Armed Conflict (Decree 73-95) . Such amendments, in addition to solving the documentation problems of uprooted population groups, shall resolve the lack of personal documentation of URNG members. The Congress of the Republic shall be asked to consider and resolve this issue in the two months following the introduction of the corresponding initiative.

Identification of land for the resettlement of uprooted persons

12. Present existing studies concerning State, municipal and private land with an option to buy (location, legal regime, acquisition, size, boundaries and agricultural suitability), for the purpose of resettling uprooted population groups.

Mine clearance

13. Implement a program for clearing all types of mines, bearing in mind that both the Guatemalan armed forces and URNG are to provide the United Nations with detailed information on explosives, mines and existing minefields.

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Transitional
Timeline

Fund for the Resettlement of Uprooted Population Groups

14. Establish a fund for the implementation of the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict.

Plan for the education of uprooted population groups

15. Request the United Nations Educational, Scientific and Cultural Organization (UNESCO) to submit a specific plan for the education of uprooted population groups.

Resettlement of uprooted population groups

16. Speed up the ongoing negotiations between the Government, refugees and displaced persons to ensure the voluntary return of uprooted persons to their place of origin, or to a location of their choice, in dignity and safely.

C. Agreement on the Establishment of the Commission to Clarify Past Human Rights Violations and Acts of Violence that have Caused the Guatemalan Population to Suffer

Clarification Commission

17. The members of the Commission shall be appointed and shall set the date on which it is to be established and to begin functioning. The Commission shall complete its work within six months of its establishment, but that period may be extended by a further six months, if the Commission so decides.

D. Agreement on identity and rights of indigenous peoples

Official Recognition Commission

18. Set up the Commission for the Official Recognition of Indigenous Languages, with the participation of representatives of linguistic communities and the Academy of Mayan Languages of Guatemala, which shall study arrangements for granting official recognition, taking account of linguistic and territorial criteria.

Commission on Holy Places

19. Establish the Commission on Holy Places, made up of representatives of the Government and indigenous organizations and of indigenous spiritual guides, to identify such places and lay down rules for their preservation.

Joint Commission on Education Reform

20. Establish the Joint Commission on Education Reform, comprising representatives of the Government and of indigenous organizations, to design educational reforms consistent with Guatemala's cultural and ethnic diversity.

E. Agreement on Social and Economic Aspects and the Agrarian Situation

Review of labor legislation

21. Submit a report on legal and regulatory changes introduced in 1996 to enforce labor laws and severely penalize violations, including violations of the minimum wage; non-payment, withholding and delaying of wages; occupational hygiene and safety; and the work environment, as well as legal and regulatory changes that need to be promoted in 1997.

Expansion of the National Agricultural Development Council

22. Strengthen and expand the participation of small farmers' organizations, rural women, indigenous organizations, cooperatives, producers' associations and non-governmental organizations in the National Agricultural Development Council (CONADEA), as the main mechanism for consultation, coordination and participation in the decision-making process for rural development.

Land Office

23. Set in motion the Presidential Office for Legal Assistance and Dispute Settlement in Land Matters, with nationwide coverage and the task of providing advice and legal assistance to small farmers and agricultural workers with a view to the full exercise of their rights.

Land registry information

24. Launch the land surveying process in pilot areas.

Civic education program

25. Present a national civic education program for democracy and peace that promotes the protection of human rights, the renewal of political culture and the peaceful resolution of conflicts.

Rural development investment program for the period 1997-1999

26. Develop and present a rural development investment program, with emphasis on basic infrastructure (main roads, rural roads, electricity, telecommunications, water and environmental sanitation) and production projects, for a total of 300 million quetzales in 1997.

Legislation and strengthening of tax administration

27. Submit a report on: (a) amendments made to the Tax Code and other legislation in 1996 to eliminate loopholes and establish harsher penalties for tax evasion, avoidance and fraud; (b) steps taken to ensure the correct and prompt application of or reimbursement of the tax credit and to punish severely those who do not return withheld value-added tax to the tax authorities; and (c) any additional measures that may be deemed necessary.

28. Promote and present initiatives to strengthen institutional mechanisms for revenue collection and auditing.

Women's forum

29. Promote the convening of a women's forum on the commitments concerning women's rights and participation set out in the Peace Agreements.

F. Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society

Multi-party legislative body

30. Request the Office of the President of the Congress of the Republic to set up a multi-party body to enhance, modernize and strengthen the legislative branch, in accordance with the agenda set out in the Agreement.

Commission on the Strengthening of the Justice System

31. The President of Guatemala shall sponsor the establishment of the Commission on the Strengthening of the Justice System, with the mandate to prepare within six months, following an extensive debate on the justice system, a report and a set of recommendations that can be implemented as soon as possible, in accordance with the agenda proposed in the Agreement.

National Civil Police

32. Sponsor and introduce the legislative proposal regulating the functioning of the new National Civil Police.

Police Academy

33. Stipulate that members of the new police force shall receive training at the Police Academy, where they shall be given extensive professional preparation and imbued with a culture of peace, respect for human rights and democracy, and obedience to the law.

Demobilization of the Voluntary Civil Defence Committees

34. Conclude the demobilization and disarming of the Voluntary Civil Defence Committees within 30 days of the repeal of the decree creating them.

G. Agreement on Constitutional Reforms and the Electoral Regime

Constitutional reforms

35. The Government of the Republic shall place before the Congress of the Republic the draft constitutional amendments contained in sections A and B of the Agreement on Constitutional Reforms and the Electoral Regime.

Electoral Reform Commission

36. Request the Supreme Electoral Tribunal to establish and preside over an Electoral Reform Commission charged with publishing a report and making a series of recommendations on electoral reform and the corresponding legislative amendments. It is recommended that the Commission be constituted no later than three months after the signing of the Agreement on a Firm and Lasting Peace, with the representatives indicated in the Agreement. Moreover, it is recommended that the Commission complete its work no later than six months from the date of its establishment.

H. Agreement on the Definitive Ceasefire

Entry into force

37. The ceasefire shall enter into force as of 0000 hours on D-Day, the date on which the United Nations verification mechanism shall be in place with full operational capacity. This phase must be completed by no later than D+60, with the demobilization of URNG.

38. The Parties undertake to maintain the current cessation of offensive military activity by URNG and of counter-insurgent military activities by the Guatemalan armed forces until D-Day.

39. The United Nations shall notify the Parties of the establishment of the verification mechanism as soon as possible, so that D-Day may be set.

Deployment of the verification mechanism

40. From D-10 to D-Day the United Nations shall deploy its personnel and equipment in order to verify the ceasefire at the sites determined by the Parties in the annexes to the Agreement on the Definitive Ceasefire.

Verification sites

41. For purposes of verification, during the period of the ceasefire, representatives of the United Nations shall be present in the military units of the Guatemalan armed forces designated in annex C and at the URNG assembly points specified in annex A to the Agreement on the Definitive Ceasefire.

Ban on political propaganda

42. During troop movements and once at the assembly points, the assembled forces may not engage in any propaganda or political activities beyond the assembly points.

Security zone

43. A security zone with a radius of 6 kilometres shall be established around each assembly point in which no units of the Guatemalan armed forces, Voluntary Civil Defence Committees (CVDCs) or members of URNG may be present.

44. Only United Nations verification units may have access to these zones. Police activities may be carried out subject to coordination with the United Nations verification authority.

Coordination zone

45. A coordination zone extending a further 6 kilometres shall be established around each security zone. Movement by military units of the Guatemalan armed forces and CVDCs must be coordinated in advance with the United Nations verification authority.

Information concerning troops and armaments

46. URNG shall provide the United Nations with detailed information on the number of troops, list of names, inventories of weapons, explosives and mines, and all other necessary information concerning the existence of minefields, munitions and other military equipment, both in their possession and in storage. The Guatemalan armed forces shall likewise provide updated information on the number of troops in the units to be redeployed which are identified in annex C to the Agreement on the Definitive Ceasefire. Both Parties shall transmit this information to the verification authority no later than D+15.

47. The Parties agree to transmit to the verification authority within the time agreed with both of them any additional information required by the authority.

Start of redeployment

48. Redeployment of the units of the Guatemalan armed forces designated in annex C to the Agreement on the Definitive Ceasefire shall begin on D+2 and shall continue until D+10, or earlier, if possible.

49. URNG troops shall begin to move towards the assembly points designated in annex A to the Agreement on the Definitive Ceasefire from D+11 to D+21, or earlier, if possible. They shall be accompanied in this move by the verification mission.

50. The Parties shall communicate to the United Nations verification authority no later than D-10 the full programme for the moves of their respective forces (composition, route to be taken, when the move is to begin and any other information needed to complete the verification).

Restriction of airspace

51. This shall enter into force on D-Day; utilization of airspace shall remain restricted as follows:

(a) Military flights over security zones shall be prohibited except in the event of a disaster or public emergency, in which case advance notice of such flights shall be given to the United Nations verification authority;

(b) Military flights over coordination zones shall be permitted with advance notification to the United Nations verification mission.

Control of armaments

52. From D+11 to D+42 in URNG assembly points, weapons, munitions and other military equipment shall be deposited in special warehouses designated by the United Nations; combatants, however, shall keep their personal equipment and weapons as long as they remain in those locations.

Operational aspects

53. The phased demobilization of URNG combatants and their integration, within a framework of legality, into the civil, political, socio-economic and institutional life of the country shall take place in accordance with the provisions of the Agreement on the Basis for the Legal Integration of URNG and subject to the implementation of the Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements. The demobilization shall be carried out as follows:

- (a) From D+43 to D+48: 33 per cent;
- (b) From D+49 to D+54: 66 per cent;
- (c) From D+55 to D+60: 100 per cent.

Logistical support commission

54. A commission made up of representatives of URNG and of the Government of Guatemala shall be established, under the coordination of the United Nations, in order to provide logistical support to the ceasefire and demobilization process. The number of members of the Commission shall be determined in accordance with needs.

Handing over of weapons and munitions

55. Prior to the demobilization of the last group of combatants, and by D+60 at the latest, URNG shall hand over to the United Nations all weapons and military equipment of its forces, whether in its possession or in storage.

Start of verification

56. Verification shall start on D-Day when the ceasefire comes into effect, in accordance with the provisions of the Agreement on the Definitive Ceasefire, without thereby restricting fulfillment by the Guatemalan armed forces of their constitutional function in the rest of the national territory.

Coordination and follow-up

57. For the purposes of coordination and follow-up, the Parties undertake to designate officials, at different levels, to liaise with the verification authority.

I. Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca

Initial integration phase

58. The demobilization stage shall last two months and means the ending of URNG military structures at the agreed assembly points. This stage shall include services such as the provision of temporary documentation and vocational training and guidance, with a view to facilitating the subsequent integration of demobilized combatants. The verification authority shall transmit to the Special Integration Commission no later than D+30 a definitive list of demobilized combatants drawn up at assembly points.

59. URNG shall transmit to the verification authority by D-15 at the latest a list of members not subject to assembly who are to be beneficiaries of the initial integration phase. The authority shall, in turn, transmit such list to the Special Integration Commission once it has been set up.

Temporary documentation

60. Request the verification authority to issue temporary documentation for demobilized combatants and other beneficiaries of the Agreement on the Basis for the Legal Integration of URNG.

Security of URNG

61. The Government undertakes to adopt administrative measures to guarantee the necessary conditions for the effective exercise of the civil rights of URNG members, particularly the rights to life, security and physical integrity, and shall pay special attention to any complaints regarding violations of the security of URNG members. Respect for this undertaking shall be subject to special verification by the international verification authority, which may arrange for URNG members to be accompanied temporarily when the need arises.

Vocational guidance and training

62. URNG members shall receive vocational guidance and assistance during the demobilization phase, and subsequently if necessary. Once agreement is reached on the kind of economic activity in which they are to engage, they shall be eligible for specific programs of technical and vocational training.

Health

63. In the demobilization, phase, ensure that combatants gathered at assembly points receive a medical check-up. The necessary action shall be taken to treat cases identified by the check-up, either in the camps or locally.

The Special Integration Commission shall ensure that patients who require further treatment are referred to the corresponding services. This subprogram shall be carried out in cooperation and consultation with the URNG medical team.

Legal assistance

64. Begin the provision of legal assistance to UNRG members to help them deal with the legal aspects of their integration.

Family reunification

65. Initiate the necessary measures to enable URNG members to be reunited with their families. The Government undertakes to extend all necessary facilities to that end.

Special Integration Commission

66. Set up the Special Integration Commission, which shall consist of an equal number of representatives from the Government and URNG and, in a consultative capacity, representatives from donor and cooperating countries and international cooperation agencies. The Commission shall be set up within 15 days following the signing of the Agreement on a Firm and Lasting Peace, and the Government shall issue the corresponding government decree to that effect.

Rules of the Special Integration Commission

67. The Special Commission shall, by means of specific rules to be adopted no later than 30 days after it is set up, organize its responsibilities in the areas of coordination, financial management and decision-making with respect to subprograms and projects deriving from the Agreement on the Basis for the Legal Integration of URNG. The Special Commission shall likewise identify, in consultation with donor and cooperating countries and agencies, appropriate financial mechanisms, including the possibility of trust funds, to facilitate the flexible and effective implementation of the integration program.

Integration Foundation

68. URNG undertakes to set up the Integration Foundation. The Government undertakes to expedite the procedures for setting up the Foundation.

J. Other commitments

Publicity

69. Publicize the Peace Agreements as widely as possible.

Page 16-24; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; III. TIMETABLE FROM 15 APRIL TO 31 DECEMBER 1997

A. Comprehensive Agreement on Human Rights

Compensation

70. Put into effect the program of compensation for and/or assistance to victims of human rights violations and sponsor the relevant legislation, taking into account the recommendations of the Clarification Commission.

Military conscription

71. See "Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society", paragraph 129 of this Agreement. Regulation of the bearing of arms

72. See "Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society", paragraphs 130 and 131 of this Agreement.

Strengthening of institutions for the protection of human rights

73. Support initiatives for improving the technical and material conditions available to the Counsel for Human Rights in carrying out his tasks of investigation, monitoring and follow-up to ensure the full enjoyment of human rights in Guatemala.

B. Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict

Identification of land for the resettlement of uprooted persons

74. Conduct further studies to identify State, municipal and private land with an option to buy, for the purpose of resettling uprooted population groups.

Resettlement

75. Conclude the planning and/or resolution of the processes of return and transfer for the resettlement of uprooted population groups, based on their freely expressed wishes and decisions.

Documentation

76. Step up the personal documentation process for all those who do not have such documentation, particularly uprooted population groups and URNG members, including formal registration of the children of uprooted persons and URNG members born abroad.

Productive integration of uprooted population groups

77. Undertake productive integration programs, as part of a policy of sustainable development with equity, in resettlement areas and regions. See "Agreement on Social and Economic Aspects and the Agrarian Situation", paragraphs 102, 103 and 106 of this Agreement.

Prompt settlement of land disputes

78. See "Agreement on Social and Economic Aspects and the Agrarian Situation", paragraph 108 of this Agreement.

Consensus-building for development planning

79. See "Agreement on Social and Economic Aspects and the Agrarian Situation", paragraph 86 of this Agreement.

Implementation of the education plan

80. Recognize the formal and non-formal educational levels of uprooted persons and the non-formal studies of education and health outreach workers.

Strengthening of local governments and organizations

81. See "Agreement on Social and Economic Aspects and the Agrarian Situation", paragraph 167 of this Agreement.

C. Agreement on the Establishment of the Commission to Clarify Past Human Rights Violations and Acts of Violence that have Caused the Guatemalan Population to Suffer

Clarification Commission

82. Functioning of the Commission and a decision by it to either extend its mandate or deliver its report.

D. Agreement on Identity and Rights of Indigenous Peoples Joint Commission on Reform and Participation

83. Set up the Joint Commission on Reform and Participation, composed of representatives of the Government and representatives of indigenous organizations.

Joint Commission on Land Rights

84. Set up the Joint Commission on Land Rights, composed of representatives of the Government and representatives of indigenous organizations.

Office for the Defence of Indigenous Women's Rights

85. Set up an Office for the Defence of Indigenous Women's Rights, with the participation of such women, to provide, inter alia, legal advisory services and social services.

E. Agreement on Social and Economic Aspects and the Agrarian Situation

System of urban and rural development councils to ensure public participation

86. In keeping with the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict and the Agreement on Identity and Rights of Indigenous Peoples, the Government undertakes, as a matter of priority, to:

(i) re-establish the local development councils;

(ii) sponsor an amendment to the Urban and Rural Development Council Act to broaden the range of sectors participating in the departmental and regional development councils; and

(iii) provide adequate funding for the council system, so as to promote public participation in identifying local priorities, the design of public programs and projects and the integration of national urban and rural development policy.

Municipal training

87. Establish and implement, in cooperation with the National Association of Municipalities (ANAM), an ongoing municipal training program that will serve as a framework for national efforts and international cooperation in this field. Participation of women in economic and social development

88. Taking into account the results of the forum envisaged in paragraph 29 of this Agreement, follow up the commitments concerning women set out in the Peace Agreements.

Advisory Commission on Educational Reform

89. The Ministry of Education shall set up the Commission, which shall consist of participants in the educational process, including representatives of the Education Reform Commission set up pursuant to the Agreement on Identity and Rights of Indigenous Peoples.

Out-of-school education and training

90. Design and implement programs of out-of-school education, training and technical training, as well as training programs in communities and enterprises and, in rural areas, programs to improve business management skills and enhance the skills, diversification and productivity of human resources.

Civic education

91. Design and produce the necessary materials for implementing the national civic education program for democracy and peace that is to promote the protection of human rights, the renewal of political culture and the peaceful resolution of conflicts.

Program of financial support for education

92. Develop and implement nationwide programs of scholarships, study grants, economic assistance and other incentives to enable needy students to continue their education.

Training of teachers and administrators

93. Develop continuing education programs for teachers and school administrators.

Support for the University of San Carlos

94. Provide to the University of San Carlos, in a timely manner, the funding which is its prerogative under a constitutional mandate.

Purchase of medicines

95. Study and apply purchasing methods that will ensure the quality and low cost of the more popular basic or generic drugs and transparency in their marketing.

Public spending on housing

96. Allocate to housing policy the equivalent of no less than 1.5 per cent of tax revenues from the General Budget of State Revenues and Expenditures for 1998, giving priority to subsidizing the demand for low-cost housing options and, to that end, strengthening the Guatemalan Housing Fund (FOGUAVI) and the Housing Subsidy Fund (FOSUVI).

Community participation in housing

97. Encourage the establishment and strengthening of community participation systems, such as cooperatives and self-managed and family businesses, to ensure that beneficiaries are able to participate in the execution of plans, the construction of housing and the provision of services.

Amendment of labor laws

98. Promote the legal and regulatory changes recommended in the report on labor laws requested in paragraph 21 of this Agreement.

Labor inspection

99. Decentralize and expand labor inspection services in order to strengthen the capacity to verify compliance with domestic labor norms and those deriving from the international labor conventions ratified by Guatemala.

Worker organization

100. Streamline the procedures for recognition of the legal personality of labor organizations and, for agricultural workers who are still hired through contractors, propose reforms to ensure the speedy and flexible legal recognition of forms of association that will permit negotiation of the terms of their hiring.

Economic policy

101. Encourage measures, in coordination with the various social sectors, to increase investment and productivity, within the framework of an overall strategy of growth with social stability and equity.

Government agricultural sector investment program

102. Begin implementation of a government agricultural sector investment program in production lines linked to agriculture, forestry and fisheries.

Rural development investment program

103. Begin implementation of the rural development investment program, paying special attention to areas where uprooted population groups are being resettled and areas where poverty is greatest, with emphasis on basic infrastructure (main roads, rural roads, electricity, telecommunications, water and environmental sanitation) and production projects, for a total of 300 million quetzales in 1997.

Land Trust Fund

104. Sponsor and introduce in the Congress of the Republic a bill setting up the Land Trust Fund. Such bill shall establish, inter alia, the Fund's aims, functions and funding and allocation mechanisms and the origin and future use of land. The Agreement on Social and Economic Aspects and the Agrarian Situation stipulates that the Land Trust Fund must begin operations by 1997 at the latest.

Trust

105. The Land Trust Fund shall set up a trust in a participating banking institution to provide credit and promote savings, preferably for micro, small and medium-sized enterprises.

Credit and financial services

106. Promote conditions enabling small and medium-scale farmers to have access to credit, individually or in groups, on a financially sustainable basis. In particular, with the support of the business sector and non-governmental development organizations, promote the strengthening of local savings and loan agencies, such as associations, cooperatives and the like, so that they can provide credit and financial services to small and medium-sized businesses efficiently and in accordance with local needs and conditions.

Agrarian and environmental jurisdiction

107. Promote the establishment of an agrarian and environmental jurisdiction within the judiciary, taking into account the provisions of the Agreement on Identity and Rights of Indigenous Peoples.

Prompt settlement of land disputes

108. Taking into account the commitments made in the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict and the Agreement on Identity and Rights of Indigenous Peoples and the recommendations on the Joint Commission on Rights relating to Indigenous Peoples' Land, the Government undertakes to establish and apply flexible procedures for the settlement of disputes over land and other natural resources (in particular, direct settlement and conciliation). In addition, it shall establish procedures for defining formulas for compensation in the case of land disputes and claims in which farmers, small farmers and communities in a situation of extreme poverty have been or may be dispossessed for reasons not attributable to them. The uprooted population will require special attention in this connection.

Land registry

109. Sponsor legislative changes that will make it possible to establish an efficient decentralized multi-user land registry system that is financially sustainable, subject to compulsory updating and easy to update.

Land tax

110. Sponsor legislation and mechanisms for imposing, in consultation with municipalities, a land tax in rural areas in which it is easy for the municipalities to collect revenues. The tax, from which small properties shall be exempt, will help to discourage owners from leaving land unused or underused. It must not encourage deforestation of woodlands.

Tax administration

111. Strengthen existing auditing and collection mechanisms, such as crosschecking, tax identification numbers and tax credits for withholding of income tax and value-added tax.

112. Keep in operation a special program targeting big taxpayers to make sure that they meet their tax obligations in full.

113. Evaluate and strictly regulate tax exemptions in order to eliminate abuse.

114. Put into operation administrative structures that are specifically geared to revenue collection and auditing programmes and to the application of the corresponding tax laws.

115. Simplify and automate tax administration operations.

Norms for the preparation and implementation of the budget

116. Starting in 1997, incorporate annually into the norms and guidelines for the preparation of the preliminary draft General Budget of State Revenues and Expenditures the priority that must be given to social spending, basic public services, physical infrastructure in support of production, the strengthening of human rights bodies and compliance with the Peace Agreements.

Professionalization and upgrading of public servants

117. Sponsor and introduce bills:

(a) Establishing a career civil service; and

(b) Ensuring genuine compliance with the Integrity and Accountability Act.

Oversight

118. Reform, strengthen and modernize the Comptroller's Office.

Modernization of the executive branch

119. Sponsor and introduce in the Congress of the Republic:

(a) Amendments to the Act governing the executive branch; and

(b) Amendments to the Purchasing and Procurement Act to promote the decentralization of government support services.

F. Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society

Judicial training

120. Strengthen the Judicial Training School and the training unit of the Public Prosecutor's Office as the main bodies for the selection and further training of judges, magistrates and prosecutors.

Public Defender's Office in Criminal Matters

121. Present to the Congress of the Republic the necessary legislative proposals for establishing the Public Defender's Office in Criminal Matters to provide legal assistance to those who cannot afford to retain their own counsel.

Advisory Council on Security

122. Set up the Advisory Council on Security.

Strategic Analysis Secretariat

123. Establish the Strategic Analysis Secretariat to inform and advise the President of the Republic, with a view to anticipating, preventing and resolving situations posing any kind of danger or threat to the democratic State.

Supervision of State intelligence bodies

124. Sponsor and introduce a law establishing procedures for the supervision of State intelligence bodies by a special commission of the legislative branch. Civil Intelligence and Information

Analysis Department of the Ministry of the Interior

125. Establish a Civil Intelligence and Information Analysis Department under the Ministry of the Interior, with responsibility for gathering information to

combat organized crime and ordinary crime by the means and within the limits authorized by the legal system, subject to strict respect for human rights.

National Civil Police

126. Put forward the proposals and take the action necessary to establish a career police service.

127. Promote action and program to strengthen the Police Academy so that it can train new police personnel as officers, inspectors, commanders and superintendents and retrain existing personnel.

128. Define procedures for ensuring that admission to the police profession and advancement and specialization within it take place through the Police Academy.

Civic Service Act

129. Sponsor in the Congress of the Republic a Civic Service Act that will include military service and community service, based on the agreement reached by the joint working group which is currently considering the matter.

Possession and bearing of arms

130. Sponsor and introduce in the Congress of the Republic amendments to the Arms and Munitions Act.

Registers of arms and ammunition

131. Transfer to the Ministry of the Interior the registers which are currently with the Arms and Munitions Control Department of the Ministry of Defence.

Restructuring of the armed forces

132. Make the public educational, financial, health, commercial, assistance and insurance institutions, facilities and units corresponding to the needs and functions of the Guatemalan armed forces operate under the same conditions as other similar non-profit institutions. All graduates of the Adolfo V. Hall Institutes shall join the country's military reserves. Find an appropriate use for the television frequency assigned to the Guatemalan armed forces.

Disbanding of the Mobile Military Police

133. Disband and demobilize the Mobile Military Police.

Reorganization and deployment of military forces

134. Reorganize the deployment of military forces within the national territory, stationing them for purposes of national defence, border control and protection of Guatemala's maritime and territorial jurisdiction and airspace.

Reduction of the armed forces

135. Reduce the size of the Guatemalan armed forces by 33 per cent, based on current manning and equipment levels.

Reintegration of demobilized members of the armed forces

136. Put into effect programs for the productive reintegration of any members of the armed forces who may be demobilized.

G. Agreement on the Basis for the Legal Integration of URNG

Integration program

137. Implement the various aspects of the program for the legal integration of URNG, including education, literacy training, housing, productive economic projects and family reunification.

Page 24-31; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; IV. TIMETABLE FOR 1998, 1999 AND 2000

A. Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict

Protection of Guatemalan nationals outside the country

138. Strengthen the policy of ensuring protection for Guatemalan nationals outside the country, especially members of the uprooted population living abroad, and make the necessary arrangements with host countries to ensure that this population has stable immigrant status.

Marketing

139. See "Agreement on Social and Economic Aspects and the Agrarian Situation", paragraph 167 of this Agreement.

B. Agreement on Identity and Rights of Indigenous Peoples

Use of indigenous languages and bilingual training

140. In keeping with the conclusions of the Commission for the Official Recognition of Indigenous Languages, promote the use of indigenous peoples' languages in the provision of State social services at the community level and promote the bilingual training of judges and court interpreters from and into indigenous languages.

Temples, ceremonial centers and holy places

141. In keeping with the conclusions of the Commission on Holy Places, promote with the participation of indigenous peoples the necessary legal measures to ensure the restructuring of State entities responsible for the preservation and administration of temples and ceremonial centers of archaeological value, as well as changes in the regulations for the protection of ceremonial centers of archaeological value, in order to ensure respect for Mayan spirituality.

Radio Communications Act

142. Sponsor and introduce in the Congress of the Republic amendments to the Radio Communications Act making frequencies available for indigenous projects.

Customary law

143. With the participation of indigenous organizations and taking into account the conclusions of the Joint Commission on Reform and Participation and the Joint Commission on Rights relating to Indigenous Peoples' Land, sponsor in the Congress of the Republic the necessary action to fulfill the commitments made in section E of the Agreement on Identity and Rights of Indigenous Peoples.

C. Agreement on Social and Economic Aspects and the Agrarian Situation

Public spending on education

144. By the year 2000, increase public spending on education as a proportion of the gross domestic product (GDP) by 50 per cent over the 1995 level.

Schooling

145. By the year 2000, provide access for all those between the ages of 7 and 12 to at least three years of schooling.

Literacy training

146. Raise the literacy rate to 70 per cent by the year 2000.

Educational curricula

147. By the year 2000, adjust educational curricula in accordance with the education reform.

Occupational training

148. Ensure that occupational training programs reach at least 200,000 workers nationwide by the year 2000, with emphasis on those entering economic activity and those needing special training in order to adjust to new developments in the labor market.

Civic education

149. Implement the national civic education program for democracy and peace that is to promote the protection of human rights, the renewal of political culture and the peaceful resolution of conflicts.

Public spending on health

150. By the year 2000, increase public spending on health as a proportion of GDP by 50 per cent over the 1995 level and allocate at least 50 per cent of public health spending to preventive health care.

Infant and maternal mortality

151. By the year 2000, reduce infant and maternal mortality to 50 per cent of the 1995 rate.

Eradication of poliomyelitis and measles

152. Maintain the certification of poliomyelitis eradication and eradicate measles by the year 2000.

Decentralization of health services

153. Put into effect the decentralized organization of the various levels of health care to ensure that health programs and services are offered at the communal, regional and national levels, which are the basis of the national coordinated health system.

Social security

154. Take the necessary measures to expand the coverage of the social security system and improve its benefits and the quality and efficiency of its services.

Land management

155. Closely coordinate housing policy with land management policy, especially urban planning and environmental protection policies, to enable poor people to have access to housing with services in hygienic and environmentally sustainable conditions.

Public spending on housing

156. Allocate annually to the housing promotion policy no less than 1.5 per cent of tax revenues from the General Budget of State Revenues and Expenditures, giving priority to subsidizing the demand for low-cost housing options

Financing and facilities for the purchase of housing

157. Strengthen the securities market for the purchase of housing, including the provision of first and second mortgages, facilitate the sale of securities issued for housing operations, including common and- preferential stock in property development companies, mortgage bonds and debentures, certificates of real estate shareholdings, supplemental letters, promissory notes and other documents related to rentals with an option to buy.

Housing stock

158. Encourage the supply of housing-related services, housing options and building materials that are of good quality and reasonably priced.

Regulation

159. Apply anti-trust regulations to the production and marketing of building materials and services. Update the health and safety regulations applicable to the construction industry and monitor compliance with them; coordinate with municipalities to ensure that construction and monitoring regulations are homogeneous, clear and simple, in an effort to ensure good-quality, safe housing.

Protection of rural workers

160. Adopt administrative and/or criminal penalties against those responsible for abuses against migrant agricultural workers, farmhands, tenant farmers and day laborers in the context of hiring through middlemen, sharecropping, payment in kind and the use of weights and measures.

Occupational training

161. Sponsor and introduce a bill regulating occupational training at the national level.

Land tenure

162. Sponsor and introduce in the Congress of the Republic a bill establishing a legal framework for land tenure that is secure, simple and accessible to the entire population.

Modernization of the land registry system

163. Have launched the efficient decentralized multi-user land registry system that is financially sustainable, subject to compulsory updating and easy to update.

Regularization of the award of title to land

164. Regularize the award of title for lands belonging to indigenous communities and uprooted population groups and for beneficiaries of the National Institute for Agrarian Reform (INTA) who are the lawful owners of the land which they have been granted. With respect to communal land, regulate participation by the communities concerned to ensure that it is they who take the decisions concerning their land.

Unused land

165. Sponsor amendments to the legislation on unused land to bring it into line with the Constitution, and regulate by means of incentives and penalties the underuse of land and its use in a manner incompatible with sustainable natural resources use and environmental conservation. Such amendments should include a new tax scale for the annual tax on unused land, imposing significantly higher taxes on privately owned unused and/or underused land.

Evaluation of awards made by the Land Trust Fund

166. In 1999, evaluate whether awards made by the Land Trust Fund have achieved their objectives and, if necessary, change the way in which the program operates.

Rural development

167. Develop a system for compiling, systematizing and disseminating agricultural, forestry, agro-industrial and fisheries information and a system of storage centers and free zones. Support the strengthening of the various forms of organization of micro-, small and medium-scale agricultural and rural enterprises and encourage the amalgamation of smallholdings if smallholders so desire.

Natural resources management concessions

168. By 1999, have awarded to small and medium-sized farmers' groups, legally incorporated as natural resources management concessions, 100,000 hectares within multi-use areas for the purposes of sustainable forest management, management of protected areas, ecotourism, protection of water sources and other activities compatible with the sustainable potential use of the natural resources of those areas.

Government agricultural sector investment program

169. Implement the government agricultural sector investment program in production lines linked to agriculture, forestry and fisheries, for a cumulative total of 200 million quetzales.

Renewable natural resources management program

170. Promote a renewable natural resources management program which fosters sustainable forestry and agro-forestry production, as well as handicrafts, eco-tourism and small- and medium-scale industrial projects that give added value to forestry products.

Rural development investment program

171. Continue the rural development investment program, with emphasis on basic infrastructure (main roads, rural roads, electricity, telecommunications, water and environmental sanitation) and production projects, for a total of 300 million quetzales per year.

Tax system

172. Design and present a methodology for evaluating whether the tax system is universally progressive, in line with the basic principles established in the Agreement on Social and Economic Aspects and the Agrarian Situation.

Tax burden

173. Take the necessary action and put forward the necessary proposals to ensure that, by the year 2000, the tax burden as a proportion of GDP is at least 50 per cent greater than in 1995.

Decentralization of public administration

174. Sponsor and introduce in the Congress of the Republic amendments to the Act on the Governance of the Departments of the Republic making it possible to streamline and decentralize public administration, and propose that departmental governors be appointed by the President of the Republic, taking into consideration candidates proposed by the non-governmental representatives of departmental development councils.

Modernization of public administration

175. Decentralize support systems, including the purchasing and procurement system, the human resources system, the information and statistics system, the financial management system and the revenue collection system.

Municipal Code

176. Sponsor amendments to the Municipal Code to encourage the participation of indigenous communities in decision-making on matters affecting them and to stipulate that deputy mayors be appointed by the municipal mayor, taking into account the proposals made by local residents in open town council meetings.

D. Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society

Penal Code

177. In accordance with the conclusions of the Commission on the Strengthening of the Justice System, sponsor and introduce in the Congress of the Republic amendments to the Penal Code that will:

(a) Characterize ethnic discrimination as a crime,-

(b) Characterize sexual harassment as a crime

(c) Bring the Penal Code into line with the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination; and

(d) Give priority to the criminal prosecution of those offenses which are most detrimental to society; take into account the country's cultural differences and customs; fully protect human rights; and characterize threats and coercion against judicial personnel, bribery, graft and corruption as particularly serious offences which must be severely punished.

Participation of women

178. Evaluate the progress made in women's participation and, on this basis, draw up the corresponding plan of action.

Public spending on the justice system

179. By the year 2000, increase public spending on the judiciary and the Public Prosecutor's Office as a proportion of GDP by 50 per cent over the 1995 level.

180. Allocate the necessary resources to enable the Public Defender's Office in Criminal Matters to be established and begin operations in 1998.

Public Order Act

181. Sponsor and introduce a proposal for a new Public Order Act that is consistent with democratic principles and the strengthening of civilian power.

Archives

182. Sponsor and introduce legislative proposals for characterizing the crime of maintaining illegal files and records containing political information on residents of Guatemala.

Private security companies

183. Sponsor and introduce a bill regulating the functioning and scope of private security companies, with a view to monitoring their activities and the professionalism of their personnel, and ensure, in particular, that such companies and their employees limit their operations to their own sphere of activity, under the strict control of the National Civil Police.

National Civil Police

184. By late 1999, have the National Civil Police functioning throughout the national territory, with a force of at least 20,000 members.

Public security

185. By the year 2000, have increased public spending on public security as a proportion of GDP by 50 per cent over the 1995 level.

Act establishing the armed forces

186. Sponsor and introduce amendments to the Act establishing the Guatemalan armed forces, as and when the proposed constitutional amendments take effect, in order to bring it into line with the content of the Peace Agreements.

Armed forces budget

187. Redirect and reallocate the budget of the Guatemalan armed forces to the constitutional functions and military doctrine referred to in this Agreement, making optimum use of available resources in order to achieve, by 1999, a 33 per cent reduction in military spending as a proportion of GDP over the 1995 level.

E. Agreement on the Basis for the Legal Integration of URNG

Definitive integration phase

188. One year after D+60, beneficiaries shall become eligible for longer-term services provided by the Government, including financial, legal and employment assistance, training and production projects, with a view to ensuring their lasting integration into the economic, social and cultural life of the country on the same terms as the rest of the Guatemalan population. Additional specific projects for URNG members shall be the responsibility of the Integration Foundation. The Parties call on international cooperation to provide technical and financial support to ensure the success of the definitive integration phase.

Page 39; Agreement on a firm and lasting peace; I. CONCEPTS

13. Elections are essential for Guatemala's current transition to a functional, participatory democracy. Improving the electoral regime will help to strengthen the legitimacy of public authority and facilitate the country's democratic transformation.

Page 9-13; Agreement on Constitutional Reforms and Electoral Regime; II. ELECTORAL REGIME

Whereas:

Elections are the essential instrument for the transition which Guatemala is currently making towards a functional, participatory democracy,

For that purpose, Guatemala has, in the form of the Supreme Electoral Tribunal, an independent institution of recognized impartiality and prestige which is a key element in safeguarding and strengthening the electoral regime,

It is necessary to increase citizens' participation in the electoral process and to overcome the phenomenon of abstentionism in order to strengthen the legitimacy of public authority and consolidate a pluralistic, representative democracy in Guatemala,

The level of electoral participation is the result of many different social and political factors, including the impact of civil institutions on the daily lives of Guatemalans, the capacity of political parties to fulfill people's expectations, the degree of organized participation by citizens in social and political life and their level of civic education, all of which are elements which the package of peace agreements already signed seeks to strengthen.

The electoral process is marred by specific shortcomings which impede the effective enjoyment of the right to vote. These shortcomings include citizens' lack of reliable documentation, the absence of technically prepared electoral rolls, difficulty of access to registration and voting, lack of information and the need for greater transparency in election campaigns.

This Agreement seeks to promote legal and institutional reforms which will remedy those shortcomings and constraints and, together with the other peace agreements, help to improve the electoral regime as an instrument of democratic transformation.

The Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (hereinafter referred to as "the Parties") have agreed as follows:

Electoral Reform Commission

1. Recognizing the role of the Supreme Electoral Tribunal in safeguarding and strengthening the electoral regime, the Parties agree to request the Tribunal, through this Agreement, to establish and preside over an Electoral Reform Commission charged with publishing a report and making a series of recommendations on electoral reform and the corresponding legislative amendments.

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Electoral & Political
Party Reform

2. In addition to its Chairman, who would be appointed by the Supreme Electoral Tribunal, the Commission would consist of one representative and one alternate for each of the political parties with representation in Parliament and two members and their respective alternates to be appointed, at its discretion, by the Supreme Electoral Tribunal. The Electoral Reform Commission would receive all such support and advisory services as it considered necessary.

3. It is recommended that the above Commission be constituted no later than three months after the signing of the Agreement on a Firm and Lasting Peace and that it complete its work no later than six months from the date of its establishment. In order to achieve its objectives, the Commission would have to encourage an extensive pluralistic debate on the subject of Guatemala's electoral regime.

4. As a minimum, non-restrictive agenda for modernizing the electoral regime, the Commission would consider the following items:

- (a) Documentation;
- (b) Electoral rolls;
- (c) Voting;
- (d) Transparency and publicity;
- (e) Information campaign;
- (f) Institution-building.

Basic proposals

5. In connection with these items, the Parties agree that, in keeping with the efforts being made to strengthen the electoral process, they would put forward for consideration by the Electoral Reform Commission the following basic proposals:

Documentation

6. Given that lack of reliable documentation is an obstacle to the implementation of the various phases of the electoral process, the Parties consider that it would be useful to introduce a single identity document, with a photograph of the holder, which would replace the present local identity card and which, as an identification document for all civil matters, would also serve for elections. Such a document would be issued by the Supreme Electoral Tribunal, through the National Registry. To this end, the appropriate reforms of the Elections and Political Parties Act and the Civil Code would be undertaken.

7. As a contribution to the next general elections, it would be extremely important and useful for all citizens to use the new single identity document.

Electoral rolls

8. Bearing in mind the need to steadily improve the electoral rolls which the Supreme Electoral Tribunal is responsible for compiling and updating, the Parties consider that it would be useful for the Electoral Reform Commission to study ways of ensuring that deaths and changes of address are recorded systematically.

9. In order to establish electoral districts within each municipality, with their own electoral roll, where necessary, to facilitate voting, it is proposed that the Commission should recommend the reform of the Elections and Political Parties Act to ensure that the electoral rolls are based on place of residence.

10. The Electoral Reform Commission should examine ways of facilitating citizens' access to voter registration centres and of ensuring that the Supreme Electoral Tribunal has the resources to expand its coverage in rural areas.

11. Taking into account the new functions of the Guatemalan armed forces, as set forth in the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society, and considering the Parties' shared objective of promoting the broadest possible participation of citizens in the electoral process, the Commission is invited to examine the desirability of granting, in the future, members of the Guatemalan armed forces on active duty the political right of voting in Guatemalan elections.

Voting

12. It is necessary to facilitate citizens' access to voting centres. To that end, the Parties propose that, based on the electoral rolls, the Supreme Electoral Tribunal, in consultation with political parties, should identify the places in which voting centres are to be set up within municipalities; such places would be those which have large numbers of residents living a long way from the municipal capital and which are also accessible to party poll-watchers and electoral observers. Voting centres should correspond to a municipal electoral district with its own electoral roll, thereby avoiding any problems which might otherwise arise from having a common municipal electoral roll for all voting centres.

13. The Electoral Reform Commission should study and propose the necessary legislative and/or administrative changes to facilitate the participation of internal migrant workers in elections, which currently coincide with the period of seasonal migration of labour.

Transparency and publicity

14. In order to promote greater transparency in the presentation of candidates by assemblies of political parties, action should be taken to ensure that all party members are informed of the convocation and holding of the general assemblies of political parties. The Electoral Reform Commission could examine whether compliance in convoking and holding the assemblies of political parties might be verified as a matter of routine by the National Registry or whether it would be useful to amend the law to enable the Supreme Electoral Tribunal to supervise effectively the convocation and holding of assemblies of political parties, as well as their results.

15. In order to ensure transparency in the financing of election campaigns and that voter preference is not supplanted by spending power, the Parties consider that the Supreme Electoral Tribunal should have the power to set a ceiling for campaign spending by each presidential candidate in the mass media. It is recommended that consideration be given to the possibility of providing and facilitating the use of media time and space free of charge for all parties on an equal footing.

16. Parties and candidates should be compelled to make available such accounting records and reports as may be required from them by the National Registry in order to verify that their sources of funding are lawful. The calculation of campaign spending should include, at market prices, any advertising donated to the parties during the election campaign.

17. It would also be useful to promote a reform of the Penal Code to characterize the acceptance of illicit campaign funding as a crime, establishing that anyone who receives or authorizes the receipt of such contributions for the funding of political organizations or election campaigns is guilty of such a crime. The reform would establish the corresponding criminal penalties.

Public information campaigns

18. The increasingly active participation of citizens in the electoral process is a guarantee of the legitimacy and representativeness of the elected authorities. This objective would be more easily achieved if ongoing campaigns to educate, motivate and inform citizens were carried out. The Electoral Reform Commission would examine the possibility of conducting information campaigns to:

(a) Explain the importance of the right of citizens to vote and to be elected;

(b) Encourage and promote the timely preparation of electoral rolls;

(c) Provide information on how to vote, the documents to be presented at voting tables and centres and the hours during which voting takes place;

(d) Provide information on how to organize civic committees or join a political party.

19. In order to ensure that these campaigns are effective, account would have to be taken of the importance of using the various languages of indigenous

peoples, as agreed in the Agreement on Identity and Rights of Indigenous Peoples.

Institution-building

20. In order to strengthen the electoral regime, the Parties agree to request the Electoral Reform Commission to design a programme for modernizing the National Registry. Such a programme, with the corresponding activities to train and professionalize the personnel involved, would permit the automation of data and their incorporation into coordinated networks so that electoral rolls could be effectively cross-checked, maintained and updated.

21. Bearing in mind the role of the Supreme Electoral Tribunal in the electoral reform proposed in this Agreement, the Parties consider that it would be helpful if the Electoral Reform Commission were to analyse what resources the Tribunal requires in order to function efficiently, particularly in order to perform its ongoing functions in the areas of voter registration, preparation of electoral rolls and public information campaigns. The executive branch, for its part, will review the Electoral Reform Commission's analysis of such resources and take whatever action it can to strengthen the operations of the Supreme Electoral Tribunal.

Page 22; Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca; III. ELEMENTS OF THE INTEGRATION PROGRAMME; B. Political area

35. The Government considers that the transformation of URNG into a political party duly accredited with the corresponding bodies is a contribution to the strengthening of the rule of law and to the consolidation of a pluralist democracy.

Page 10-11; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; II. TIMETABLE FOR THE 90 DAYS FROM 15 JANUARY 1997; G. Agreement on Constitutional Reforms and the Electoral Regime; Electoral Reform Commission

36. Request the Supreme Electoral Tribunal to establish and preside over an Electoral Reform Commission charged with publishing a report and making a series of recommendations on electoral reform and the corresponding legislative amendments. It is recommended that the Commission be constituted no later than three months after the signing of the Agreement on a Firm and Lasting Peace, with the representatives indicated in the Agreement. Moreover, it is recommended that the Commission complete its work no later than six months from the date of its establishment.

Page 38; Agreement on a firm and lasting peace; I. CONCEPTS

6. Firm and lasting peace must be based on participatory socio-economic development that is geared to the common good and to the needs of the entire population. Such development requires social justice, as one of the cornerstones of national unity and solidarity, and sustainable economic growth as a prerequisite for meeting the population's social demands.

7. The genuine participation of citizens - both men and women - from all sectors of society is essential for achieving social justice and economic growth. The State must broaden these opportunities for participation and strengthen its own role as guiding force of national development, lawmaker, source of public investment, provider of basic services and promoter of social consensus and settlement of disputes. To that end, it must raise fiscal revenues and, as a matter of priority, channel public spending towards social investment.

8. In the search for growth, economic policy must be directed towards preventing processes of economic exclusion, such as unemployment and impoverishment, and towards optimizing the benefits of economic growth for all Guatemalans. Raising the standard of living and ensuring health care, education, social security and training for Guatemalans are preconditions for achieving sustainable development in Guatemala.

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Socio-Economic
Development

9. The State and organized sectors of society must join forces to find a solution to agrarian problems and promote rural development, both of which are the key to improving the situation of the majority of the population living in rural areas - the population group most seriously affected by poverty, inequity and the weakness of State institutions.

Page 6; Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict; II. GUARANTEES FOR THE RESETTLEMENT OF UPROOTED POPULATION GROUPS

5. In view of the efforts being made by uprooted communities to improve the level of education of their people and of the need to support and provide continuity to this process, the Government undertakes to:

5.1. Recognize the formal and informal educational levels of uprooted persons, through the use of rapid evaluation and/or certification procedures;

5.2. Recognize the informal studies of education and health promoters and grant them, following an appropriate evaluation, equivalent credit.
[...]

Page 7-10; Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict; III. PRODUCTIVE INTEGRATION OF UPROOTED POPULATION GROUPS AND DEVELOPMENT OF RESETTLEMENT AREAS

The Parties agree that a comprehensive resettlement strategy presupposes the productive integration of the uprooted population into the framework of a sustained, sustainable and equitable development policy in the resettlement areas and regions that will benefit all the population groups living there. This productive integration policy shall be based on the following criteria and measures:

1. The resettlement areas are predominantly rural. Land, which is a finite resource, is one of the alternative sources of economic and productive integration. Sustainable agricultural development projects are required, in order to offer the population the means to break the vicious circle of poverty and degradation of natural resources and, in particular, to allow for the productive and ecologically sound protection and development of fragile areas.

2. For the identification of land that could be used for resettling uprooted persons who do not own land but wish to acquire it, the Government undertakes to:
[...]

3. The criteria for selecting land for settlements shall include the agro-ecological potential of the soil, its price, the sustainability of natural resources and existing services.

4. The development of the above-mentioned areas in conditions of justice, equity, maintainability and sustainability shall involve, in addition to agricultural activities, the creation of jobs and income from agro-industry, industry and services, under systems that are appropriate to the rural environment and to the preservation of natural resources. To this end, it is essential to develop basic infrastructure for communications, electrification and production. Public investment shall be geared primarily to this purpose, and a system of investment incentives for rural development in the areas in question shall be established.

5. To improve the quality of life, the objectives of rural development should include:

(i) local food security and basic service infrastructure for the population groups, including housing, sanitation, drinking water, rural storage, health and education;

(ii) an increase in production and productivity and promotion of local and regional markets for agricultural, agro-industrial and non-industrial products and inputs;

(iii) generation of jobs and income;

(iv) sustained and sustainable use of the available natural resources, through management of resources at the local level.

6. Productive integration projects and activities related to the comprehensive resettlement strategy shall take into account the following criteria:

6.1. The regional and local aspects of the resettlement areas, and the use of territorial management tools to promote the use of resources in accordance with their best potential;

6.2. Use of the response capacity, organizational levels and expectations of the population, promoting an increasingly organized and informed participation;

6.3. Legalization and award of land titles, and of water rights, to provide the necessary framework of security in the use of these basic natural resources;

6.4. Promotion of local and regional organizations and institutions for the combining of interests and rational planning of the use of available resources;

6.5. Establishment of successive development objectives, based on a prime, immediate objective of food security and adequate nutrition for families and communities;

6.6. Promotion of local and regional markets for products and inputs, and developing appropriate marketing mechanisms for agricultural, agro-industrial and non-industrial products;

6.7. Establishment of basic service infrastructure for population groups: housing, sanitation, drinking water, rural storage, health and education;

6.8. Improvement and/or installation of permanent, competent services of technical support to all organizations and projects, including support to non-governmental organizations which select population groups to help implement their projects;

6.9. Improvement and/or establishment of rural financial and credit assistance services suited to the needs and possibilities of the populations involved;

6.10. Setting up of training programmes designed to diversify and expand the production and management capacity of the beneficiaries.

7. The Government undertakes to put into effect and promote the agreed planning systems for developing the resettlement areas and to ensure that the population groups have access to them as neighbours and residents.

8. The Government undertakes to eliminate any form of de facto or de jure discrimination against women with regard to access to land, housing, credits and participation in development projects. The gender-based approach shall be incorporated into the policies, programmes and activities of the comprehensive development strategy.

9. The solving of each of the problems involved in resettlement and development of the affected areas shall take as a point of departure the study and design of resettlement conditions and the advice, views and organized participation of the uprooted groups and resident communities.

10. The institutional development of municipalities is fundamental in the democratic development process and in the integration of marginalized populations. The Government agrees to intensify the administrative, technical and financial strengthening of local governments and organizations through basic training, occupational training and employment programmes. It shall also strengthen the community organization system so that communities can be their own agents of development, manage their own systems of services and

infrastructure and be duly represented in the management of their own political, legal and economic affairs.
[...]

Page 7-10; Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict; IV. RESOURCES AND INTERNATIONAL COOPERATION

1. The Parties recognize that the responsibility for solving the problems of resettling the uprooted population falls on the entire Guatemalan society, and not on the Government alone. Broad sectors of Guatemalan society must unite their efforts to ensure its success.

2. For its part, the Government undertakes to allocate and mobilize national resources in a manner consistent with its efforts at macroeconomic stabilization and modernization of the economy; and to reorient and target public expenditure towards fighting poverty and resettling the uprooted population.
[...]

Page 7-10; Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict; V. INSTITUTIONAL ARRANGEMENTS

1. The agreements contained in the comprehensive resettlement strategy shall be implemented through the execution of specific projects.

Page 14-16; Agreement on identity and rights of indigenous peoples; IV. CIVIL, POLITICAL, SOCIAL AND ECONOMIC RIGHTS; F. Rights relating to land of the indigenous peoples

1. The rights relating to land of the indigenous peoples include both the communal or collective and the individual tenure of land, rights of ownership and possession and other real rights, and the use of natural resources for the benefit of the communities without detriment to their habitat. Legislative and administrative measures must be developed to ensure recognition, the awarding of title, protection, recovery, restitution and compensation for those rights.

2. The lack of protection of the rights relating to land and natural resources of the indigenous peoples is part of a very wide-ranging set of problems resulting, inter alia, from the fact that both the indigenous and the non-indigenous peasants have had difficulty in having their rights legalized through the acquisition of title and land registration. When, in exceptional cases, they have been able to have their rights legalized, they have not had access to legal mechanisms to defend them. Since this problem is not exclusive to the indigenous population – although the latter has been particularly affected – it should be dealt with in the context of “Social and economic issues and the agrarian question”, as one of the considerations to be taken into account in connection with the reform of the land tenure structure.

3. However, the situation with regard to the particular lack of protection and plundering of indigenous communal or collectively held lands merits special attention within the framework of this agreement. The Guatemalan Constitution establishes the obligation of the State to give special protection to cooperative, communal or collectively-held lands; recognizes the right of indigenous and other communities to maintain the system of administration of the lands which they hold and which historically belong to them; and lays down the obligation of the State to provide State lands for the indigenous communities which need them for their development.

4. Recognizing the special importance which their relationship to the land has for the indigenous communities, and in order to strengthen the exercise of their collective rights to the land and its natural resources, the Government undertakes to adopt directly, when that is within its competence, and to promote, when that is within the competence of the legislative organ or the municipal authorities, the following measures, inter alia, which shall be implemented in consultation and coordination with the indigenous communities concerned.

Regularization of the land tenure of indigenous communities

5. The Government shall adopt or promote measures to regularize the legal situation with regard to the communal possession of lands by communities which do not have the title deeds to those lands, including measures to award title to municipal or national lands with a clear communal tradition. To that end, an inventory of the land tenure situation shall be drawn up in each municipality.

Land tenure and use and administration of natural resources

6. The Government shall adopt or promote the following measures:

(a) Recognize and guarantee the right of access to lands and resources which are not occupied exclusively by communities but to which the latter have historically had access for their traditional activities and their subsistence (rights of way, such as passage, wood-cutting, access to springs, etc., and use of natural resources) and for their spiritual activities;

(b) Recognize and guarantee the right of communities to participate in the use, administration and conservation of the natural resources existing in their lands;

(c) Secure the approval of the indigenous communities prior to the implementation of any project for the exploitation of natural resources which might affect the subsistence and way of life of the communities. The communities affected shall receive fair compensation for any loss which they may suffer as a result of these activities; and

(d) Adopt, in cooperation with the communities, the measures necessary for the protection and preservation of the environment.

Acquisition of land for the development of indigenous communities

8. The Government shall take the necessary measures, without detriment to peasant smallholdings, to discharge its constitutional mandate to provide State lands for the indigenous communities which need them for their development.

Legal protection of the rights of indigenous communities

9. In order to facilitate the defense of the aforementioned rights and to protect the communities effectively, the Government undertakes to adopt or promote the following measures:

(a) Develop legal rules recognizing the right of indigenous communities to administer their lands in accordance with their customary norms;

(b) Promote an increase in the number of courts dealing with land cases and expedite procedures for the settlement of those cases;

(c) Urge faculties of law and the social sciences to strengthen the agrarian law component of the curriculum and include a knowledge of the relevant customary norms;

(d) Establish competent legal advisory services to advise on land claims;

(e) Provide the indigenous communities with the services of interpreters, free of charge, in respect of legal matters;

(f) Promote the widest dissemination, within indigenous communities, of information about land rights and the legal recourses available; and

(g) Eliminate any form of discrimination against women, in fact or in law, with regard to facilitating access to land, housing, loans and participation in development projects.

10. The Government undertakes to give the fulfillment of the undertakings set out in this section F the priority which the situation of insecurity and urgency that characterize the land problems of the indigenous communities deserves. To that end, the Government shall, in consultation with the indigenous peoples, establish a joint commission on the rights relating to land of the indigenous peoples to study, devise and propose more appropriate institutional

arrangements and procedures. The commission shall be composed of representatives of the Government and of indigenous organizations.

Page 3-30; Agreement on Social and Economic Aspects and the Agrarian Situation

I. DEMOCRATIZATION AND PARTICIPATORY DEVELOPMENT

A. Participation and consensus-building

1. In order to pursue a true, functional and participatory democracy, the process of social and economic development should be democratic and participatory and include: (a) consensus-building and dialogue among agents of socio-economic development; (b) consensus-building between these agents and State bodies in the formulation and implementation of development strategies; and (c) effective citizen participation in identifying, prioritizing and meeting their needs.

2. Expanded social participation is a bulwark against corruption, privilege, distortions of development and the abuse of economic and political power to the detriment of society. Therefore, it is an instrument for the eradication of economic, social and political polarization in society.

3. In addition to representing a factor in democratization, citizen participation in economic and social development is essential in order to promote productivity and economic growth, achieve a more equitable distribution of wealth and train human resources. It ensures transparency in public policies and their orientation towards the common good rather than special interests, the effective protection of the interests of the most vulnerable groups, efficiency in providing services and, consequently, the integral development of the individual.

4. In this spirit, and in line with the agreements already concluded on the resettlement of the population groups uprooted by the armed conflict and on identity and rights of indigenous peoples, the Parties agree on the importance of establishing or strengthening mechanisms allowing the citizens and different social groups to exercise their rights effectively and participate fully in decision-making on the various matters affecting or involving them, with full awareness of both their individual and collective obligations to society, which they will fulfill responsibly.

5. Strengthening social participation means that greater opportunities in social and economic decision-making should be offered to organized groups. This assumes that all kinds of grass-roots organizations representing different interests will be recognized and encouraged. It requires, in particular, the guarantee of full and effective rights for rural and urban workers and small farmers to participate, as organized entities, in the process of building consensus with the business sector or at the national level. For this purpose, flexible laws and administrative regulations must be passed to grant legal personality or other forms of legal recognition to those organizations requesting it.

6. This also assumes a major effort to promote a culture of consensus and capacity-building in business, labor and other types of organizations in order to increase their ability to plan and negotiate and effectively to assume the rights and duties inherent in democratic participation.

Consensus-building

7. Building consensus at the national, departmental and communal levels and among rural and urban units of production is essential in order to stimulate and stabilize economic and social growth. State structures must be adapted to fulfill this role of building consensus and reconciling interests, in order to be able to work effectively and efficiently to modernize the production sector, enhance competitiveness, promote economic growth and provide basic social services efficiently and universally.

Participation at the local level

8. Bearing in mind that the people who live in a department or municipality, whether business owners, workers, members of cooperatives or community representatives, are the ones who can best define the measures that benefit or affect them, a package of instruments must be adopted for institutionalizing the decentralization of social and economic decision-making, involving a real transfer of government funds and of the authority to discuss and decide locally on the allocation of resources, how projects will be executed and the priorities and characteristics of government programs or activities. In this way, government bodies will be able to base their actions on proposals arising from the reconciliation of interests among the various segments of society.

9. Through this Agreement, the Government commits itself to take a series of steps designed to increase the people's participation in the various aspects of public life, including social and rural development policies. This series of reforms must enable structures that generate social conflict to be replaced by new relationships that ensure the consolidation of peace, as an expression of harmonious life together, and the strengthening of democracy, as a dynamic and perfectible process from which advances can be achieved through the participation of various segments of society in shaping the country's political, social and economic choices.

10. In order to reinforce the people's ability to participate and, at the same time, the State's management capacity, the Government agrees to:

Communities

(a) Promote a reform of the Municipal Code so that deputy mayors are appointed by the municipal mayor, taking into account the recommendations of local residents in an open town council meeting;

Municipalities

(b) Foster social participation in the context of municipal autonomy, pursuing the process of decentralization to give more authority to municipal governments, and consequently, strengthening their technical, administrative and financial resources;

(c) Establish and implement as soon as possible, in cooperation with the National Association of Municipalities, a municipal training program that will serve as a framework for national efforts and international cooperation in this field. The program will stress the training of municipal staff who will specialize in executing the new duties that will be the responsibility of the municipality as a result of decentralization, with an emphasis on land use planning, a land register, urban planning, financial management, project management and training of local organizations so that they can participate effectively in meeting their own needs;

Departments

(d) Promote in the Congress a reform of the Act concerning the governance of the departments of the Republic, to the effect that the governor of the department would be appointed by the President of the Republic, taking into consideration the candidates nominated by the non-governmental representatives of the departmental development councils;

Regions

(e) Regionalize health care, education and cultural services for indigenous people and ensure the full participation of indigenous organizations in the design and implementation of this process;

System of urban and rural development councils

(f) Take the following steps, bearing in mind the fundamental role of urban and rural development councils in ensuring, promoting and guaranteeing the people's participation in the identification of local priorities, the definition of public projects and programs and the integration of national policy into urban and rural development:

(i) Re-establish local development councils;

(ii) Promote a reform of the Urban and Rural Development Councils Act to broaden the range of sectors participating in departmental and regional development councils;

(iii) Provide adequate funding for the council system.

B. Participation of women in economic and social development

[...]

II. SOCIAL DEVELOPMENT

14. The State is responsible for promoting, guiding and regulating the country's socio-economic development so as to ensure economic efficiency, increased social services and social justice in an integrated manner and through the efforts of society as a whole. In the quest for growth, economic policy should be aimed at preventing processes of socio-economic exclusion, such as unemployment and impoverishment, and maximizing the benefits of economic growth for all Guatemalans. In seeking to ensure the well-being of all Guatemalans, social policy should foster economic development through its impact on production and efficiency.

15. Guatemala requires speedy economic growth in order to create jobs and enhance social development. The country's social development, in turn, is essential for its economic growth and for better integration into the world economy. In this regard, better living standards, health, education and training are the pillars of sustainable development in Guatemala.

State responsibilities

16. The State has inescapable obligations in the task of correcting social inequities and deficiencies, both by steering the course of development and by making public investments and providing universal social services. Likewise, the State has the specific obligations, imposed by constitutional mandate, of ensuring the effective enjoyment, without discrimination of any kind, of the right to work, health, education and housing, as well as other social rights. The historical social imbalances experienced in Guatemala must be corrected, and peace must be consolidated, through decisive policies which are implemented by both the State and society as a whole.

Productive investments

17. The country's socio-economic development cannot depend exclusively on public finances or on international cooperation. Rather, it requires an increase in productive investments that create adequately paid jobs. The Parties urge national and foreign entrepreneurs to invest in the country, considering that the signing and implementation of an agreement on a firm and lasting peace are essential components of the stability and transparency required for investment and economic expansion.

Gross domestic product

18. For its part, the Government undertakes to adopt economic policies designed to achieve steady growth in the gross domestic product of not less than 6 per cent per annum, which would enable it to implement a progressive social policy. At the same time, it undertakes to implement a social policy aimed at ensuring the well-being of all Guatemalans, with emphasis on health, nutrition, education and training, housing, environmental sanitation and access to productive employment and to decent pay.

The State's leadership role

19. To meet this objective and to enable the State to play its leadership role in social policy, the Government undertakes to:

(a) Apply and develop the regulatory framework to guarantee the exercise of social rights and provide social services through public entities and, where necessary, through semi-public or private entities, and supervise the adequate provision of such services;

(b) Promote and ensure the participation, in accordance with the regulatory framework, of all social and economic sectors that can cooperate in social development, particularly in providing full access to basic services;

(c) Ensure that the public sector provides services efficiently, considering that the State has a duty to give the population access to quality services.

20. In response to the population's urgent demands, the Government undertakes to:

(a) Increase social investment significantly, especially in the areas of health, education and employment;

(b) Restructure the budget so as to increase social expenditure;

(c) Give priority to the neediest sectors of society and the most disadvantaged areas of the country, without short-changing other sectors of society;

(d) Improve the administration of government resources and investments by decentralizing them and making them less concentrated and bureaucratic, reforming budget performance mechanisms by giving them autonomy in decisionmaking and financial management to guarantee their efficiency and transparency, and strengthening supervisory and auditing mechanisms.

A. Education and training

[...]

B. Health

23. The Parties agree on the need to promote a reform of the national health sector. This reform should be aimed at ensuring effective exercise of the fundamental right to health, without any discrimination whatsoever, and the effective performance by the State, which would be provided with the necessary resources, of its obligation with regard to health and social welfare. Some of the main points of this reform are as follows:

Concept

(a) It would be based on an integrated concept of health (including prevention, promotion, recovery and rehabilitation) and on humanitarian and community-based practice emphasizing the spirit of service, and it would be applied at all levels of the country's public health sector;

National coordinated health system

(b) One of the responsibilities of the Ministry of Health is to formulate policies to provide the entire Guatemalan population with integrated health services. Under the coordination of the Ministry of Health, the health system would combine the work of public agencies (including the Guatemalan Social Security Institute) and private and non-governmental organizations involved in this sector to implement actions designed to enable the whole Guatemalan population to have access to integrated health services;

Low-income population

(c) The system would create the conditions for ensuring that the low income population has effective access to quality health services. The Government undertakes to increase the resources it allocates to health. By the year 2000, the Government proposes to step up public spending on health as a proportion of gross domestic product by at least 50 per cent over its 1995 level. This target will be revised upwards in the light of future developments in State finances;

Priority care

(d) The system would give priority to efforts to fight malnutrition and to promote environmental sanitation, preventive health care and primary health care, especially maternal and child care. The Government undertakes to allocate at least 50 per cent of public health expenditure to preventive care and undertakes to cut the 1995 infant and maternal mortality rate in half by the year 2000. In addition, the Government undertakes to maintain the certification of eradication of poliomyelitis, and to eradicate measles by the year 2000;

Medicine, equipment and inputs

(e) The Ministry of Public Health and Social Welfare will revise current rules and practices with regard to the manufacture and marketing of drugs, equipment and inputs and will promote measures to ensure that these are in sufficient supply and that they are affordable and of high quality. In the case of popular basic or generic drugs, ways of purchasing them will be studied and applied in order to ensure transparency in their marketing, quality and pricing to ensure that services are provided efficiently;

Indigenous and traditional medicine

(f) The system would enhance the importance of indigenous and traditional medicine, promoting its study and renewing its concepts, methods and practices;

Social participation

(g) The system would encourage active participation of municipalities, communities and social organizations (including groups of women, indigenous people, trade unions and civic and humanitarian associations) in the planning, execution and monitoring of the administration of health services and programs, through local health systems and urban and rural development councils;

Administrative decentralization and enhancement of local autonomy

(h) The decentralized organization of the various levels of health care should ensure that health programs and services are offered at the community, regional and national levels, which are the basis of the national coordinated health system.

C. Social security

24. Social security is a mechanism for expressing human solidarity and promoting the common good, laying the foundations for stability, economic development, national unity and peace. Under the Political Constitution of the Republic, the Guatemalan Social Security Institute, an autonomous body, administers the social security system. The Parties consider that appropriate measures should be taken to expand its coverage and increase its benefits and the quality and efficiency of its services. To that end, the following should be taken into account:

(a) The administration of the Guatemalan Social Security Institute should be completely autonomous, in accordance with the constitutional principle of coordination with health agencies under the national coordinated health system;

(b) Under the International Labour Organization convention ratified by Guatemala, social security should include programs for medical care and benefits in the areas of sickness, maternity, disability, old age, survival, job-related accidents and illnesses, employment and family welfare;

(c) The application of the principles of efficiency, universality, unity and compulsoriness to the operation of the Guatemalan Social Security Institute should be reinforced and guaranteed;

(d) The financial soundness of the Institute should be strengthened through a system of tripartite control of contributions;

(e) New ways of managing the Institute with the participation of its constituent sectors should be promoted;

(f) The Institute should be effectively incorporated into the coordinated health system;

(g) Conditions should be created that will facilitate the universal coverage of all workers by the social security system.

D. Housing

25. It has been recognized that there is a need to institute a policy, in accordance with the constitutional mandate, to give priority to the building of low-cost housing, through appropriate financial arrangements, in order to enable as many Guatemalan families as possible to own their own homes. To this end, the Government undertakes to:

Planning

(a) Closely monitor land management policies, especially urban planning and environmental protection policies, to enable the poor to have access to housing and related services in hygienic and environmentally sustainable conditions;

Standards

(b) Update health and safety regulations applicable to the construction industry and monitor compliance with them; coordinate with municipalities to ensure that construction and supervision standards are homogeneous, clear and simple, in an effort to provide high-quality, safe housing;

Housing stock

(c) Promote a policy to increase the stock of housing in Guatemala, in an effort to enable more people from low-income sectors to rent or own their own homes;

(d) Increase the supply of housing-related services, housing options and high-quality, low-cost building materials; in this context, apply anti-trust regulations to the production and marketing of building materials and housing related services in accordance with article 130 of the Constitution;

Finance and credit

(e) Implement monetary policies designed to reduce the cost of credit significantly;

(f) Strengthen the securities market and make it more available as a source of funds to purchase housing, by offering first and second mortgages and facilitating the selling of securities issued for housing operations, such as common and preferred stocks in construction companies, mortgage bonds and debentures, real estate participation certificates, supplemental letters, promissory notes and other documents related to rental with an option to buy;

(g) Design a direct subsidy mechanism and apply it to the demand for low-cost housing, to benefit the most needy sectors. To this end, strengthen the Guatemalan Housing Fund to improve its capacity to grant funds to assist those living in poverty and extreme poverty;

Participation

(h) Stimulate the establishment and strengthening of participatory arrangements, such as cooperatives and self-managed and family businesses, to ensure that the beneficiaries are able to participate in the planning and construction of housing and related services;

Regularization of the land situation

(i) Promote the legalization, access to and registry of land, not only in the vicinity of Guatemala City but also for urban development in the province capitals and municipalities, together with the implementation of building projects in villages and on farms, especially rural housing;

National commitment

(j) In view of the size and urgency of the housing problem, national efforts should be mobilized to solve it. The Government undertakes to allocate to the housing promotion policy no less than 1.5 per cent of the tax revenue budget, beginning in 1997, giving priority to the subsidy for low-cost housing options.

E. Work

26. Work is essential for the integral development of the individual, the well-being of the family and the social and economic development of Guatemala. Labour relations are an essential element of social participation in socioeconomic development and of economic efficiency. In this respect, the State's policy with regard to work is critical for a strategy of growth with social justice. In order to carry out this policy, the Government undertakes to:

Economic policy

(a) Through an economic policy designed to increase the use of the labor force, create conditions for the attainment of rising and sustained levels of employment, while sharply reducing structural underemployment and making possible a progressive increase in real wages;

(b) Encourage measures in coordination with the various social sectors to increase investment and productivity within the framework of an overall strategy of growth with social stability and equity;

Protective labor legislation

(c) Promote, in the course of 1996, legal and regulatory changes to enforce the labor laws and severely penalize violations, including violations in respect of the minimum wage, non-payment, withholding and delays in wages, occupational hygiene and safety and the work environment;

(d) Decentralize and expand labor inspection services, strengthening the capacity to monitor compliance with the labor norms of domestic law and those derived from the international labor agreements ratified by Guatemala, paying particular attention to monitoring compliance with the labor rights of women, migrant and temporary agricultural workers, household workers, minors, the elderly, the disabled and other workers who are in a more vulnerable and unprotected situation;

Occupational training

(e) Establish a permanent, modern vocational instruction and training program to ensure training at all levels and a corresponding increase in productivity through a draft law regulating vocational training at the national level;

(f) Promote coverage by the national vocational instruction and training programs of at least 200,000 workers by the year 2000, with an emphasis on those who are joining the workforce and those who need special training to adapt to new conditions in the labor market;

Ministry of Labor

(g) Strengthen and modernize the Ministry of Labour and Social Welfare, ensuring its leading role in Government policies related to the labor sector and its effective deployment in the promotion of employment and in labor cooperation. To that end, it undertakes to:

Participation, coordination and negotiations

(i) Promote the restructuring of labor relations in enterprises by encouraging labor management cooperation and coordination with a view to the development of the enterprise for the common good, including possible profit-sharing arrangements;

(ii) Facilitate the procedures for the recognition of the legal personality of labor organizations;

(iii) In the case of agricultural workers who are still hired through contractors, propose reforms for the speedy and flexible legal recognition of forms of association for the negotiation of such hiring; and

(iv) Promote a culture of negotiation and, in particular, train persons to settle disputes and coordinate action for the benefit of the parties involved.

III. AGRARIAN SITUATION AND RURAL DEVELOPMENT

27. It is essential and unavoidable to solve the problems of agrarian reform and rural development in order to address the situation of the majority population, which live in rural areas and is most affected by poverty, extreme poverty, injustice and the weakness of State institutions. The transformation of the structure of land use and ownership must have as its objective the incorporation of the rural population into economic, social and political development so that the land constitutes, for those who work it, the basis of their economic stability, the foundation of their progressive social well-being and the guarantee of their freedom and dignity.

28. Land is central to the problems of rural development. From the conquest to the present, historic events, often tragic, have left deep traces in ethnic, social and economic relations concerning property and land use. These have led to a situation of concentration of resources which contrasts with the poverty of the majority and hinders the development of Guatemala as a whole. It is essential to redress and overcome this legacy and promote more efficient and more equitable farming, strengthening the potential of all those involved, not only in terms of productive capacity but also in enhancing the cultures and value systems which coexist and intermingle in the rural areas of Guatemala.

29. These changes will enable Guatemala to take full advantage of the capacities of its inhabitants and, in particular, the richness of the traditions and cultures of its indigenous peoples. It should also take advantage of the high potential for agricultural, industrial, commercial and tourist development of those resources deriving from its wealth of natural resources.

30. Solving the agrarian problem is a complex process covering many aspects of rural life, from modernization of production and cultivation methods to environmental protection, as well as security of property, adequate use of the land and of the labor force, labor protection and a more equitable distribution of resources and the benefits of development. This is also a social process whose success depends not only on the State, but also on a combination of efforts on the part of the organized sectors of society, in the awareness that the common good requires breaking with the patterns and prejudices of the past and seeking new and democratic forms of coexistence.

31. The State has a fundamental and vital role in this process. As the guide for national development, as a legislator, as a source of public investment and provider of services and as a promoter of social cooperation and conflict resolution, it is essential for the State to increase and refocus its efforts and its resources towards the rural areas, and to promote agrarian modernization, in a sustained manner, in the direction of greater justice and greater efficiency.

32. The agreements already signed on human rights, on the resettlement of populations uprooted by armed confrontation and on the identity and rights of indigenous peoples contain commitments which constitute essential elements of a global strategy for rural development. It is in line with these provisions that the Government undertakes, through this Agreement, to promote an integral strategy covering the multiple elements which make up agrarian structure, including land ownership and the use of natural resources; credit systems and mechanisms; manufacturing and marketing; agrarian legislation and legal security; labor relations; technical assistance and training; the sustainability of natural resources and the organization of the rural population. This strategy includes the aspects described below.

A. Participation

33. The capacity of all actors involved in the agricultural sector must be mobilized to make proposals and to take action, including indigenous peoples' organizations, producers' associations, business associations, rural workers' trade unions, rural and women's organizations or universities and research centers in Guatemala. To that end, in addition to the provisions of other chapters of this Agreement, the Government undertakes to:

(a) Strengthen the capacity of rural organizations such as associative rural enterprises, cooperatives, small farmers' associations, mixed enterprises and self-managed and family businesses to participate fully in decisions on all matters concerning them and to establish or strengthen State institutions, especially those of the State agricultural sector, involved in rural development so that they can promote such participation, particularly the full participation of

women in the decision-making process. That will strengthen the effectiveness of State action and ensure that it responds to the needs of rural areas. In particular, participation in development councils will be promoted as a framework for the joint formulation of development and land use plans;

(b) Strengthen and expand the participation of tenant farmers' organizations, rural women, indigenous organizations, cooperatives, producers' trade unions and non-governmental organizations in the National Agricultural Development Council as the main mechanism for consultation, coordination and social participation in the decision-making process for rural development, and in particular for the implementation of this chapter.

B. Access to land and productive resources

34. Promote the access of tenant farmers to land ownership and the sustainable use of land resources. To that end, the Government will take the following actions:

Access to land ownership: land trust fund

(a) Establish a land trust fund within a broad-based banking institution to provide credit and to promote savings, preferably among micro-, small and medium-sized enterprises. The land trust fund will have prime responsibility for the acquisition of land through Government funding, will promote the establishment of a transparent land market and will facilitate the updating of land development plans. The fund will give priority to the allocation of land to rural men and women who are organized for that purpose, taking into account economic and environmental sustainability requirements;

(b) In order to ensure that the neediest sectors benefit from its services, the fund will set up a special advisory and management unit to serve rural communities and organizations;

(c) Initially, the fund will limit its activities to the following types of land:

(i) Uncultivated State land and State-owned farms;

(ii) Illegally settled public land, especially in Petan and the Franja Transversal del Norte, which the Government has pledged to recover through legal action;

(iii) Land acquired with the resources allocated by the Government to the National Land Fund and the National Peace Fund for that purpose;

(iv) Land purchased with grants from friendly Governments and international non-governmental organizations;

(v) Land purchased with loans secured from international financing agencies;

(vi) Undeveloped land expropriated under article 40 of the Constitution;

(vii) Land acquired from the proceeds of the sale of excess land, as determined by comparing the actual dimensions of private property with the dimensions recorded at the land register department, which has become the property of the State;

(viii) Land which the State may purchase pursuant to Decree No. 1551, article 40, on agricultural development areas;

(ix) Land which the State may purchase for any purpose; and

(x) Miscellaneous grants;

(d) The Government will promote and enact legislation to regulate all the activities of the land trust fund. Such legislation will establish, inter alia, the fund's aims, functions and financing and acquisition mechanisms, and the allocation, origin and destination of land. In 1999, the extent to which the allocation targets have been met will be assessed and, if need be, the functioning of the land allocation programme will be adjusted;

Access to land ownership: funding mechanisms

(e) Promote, through all means possible, the development of a dynamic land market that would enable tenant farmers who either do not have land or have insufficient land to acquire land through long-term transactions at commercial or favorable interest rates with little or no down payment. In particular, promote the issuance of mortgage-backed securities guaranteed by the State whose yield is attractive to private investors, especially financial institutions;

Access to other productive projects

(h) Develop sustainable productive projects especially geared towards boosting productivity and the processing of agricultural, forestry and fishery products in the poorest areas of the country. In particular, for the period 1997-2000, guarantee the implementation, in the poorest areas, of a Government agricultural sector investment program in the amount of 200 million quetzals in the agriculture, forestry and fisheries sectors;

(i) Promote a renewable natural resources management program which fosters sustainable forestry and agro-forestry production, as well as handicrafts and small- and medium-scale industry projects that give added value to forest products;

(j) Promote productive ventures related, inter alia, to agro-processing industries, marketing, services, handicrafts and tourism with a view to creating jobs and securing fair incomes for all;

(k) Promote an eco-tourism program with the broad participation of communities which have received appropriate training.

C. Support structure

35. Prerequisites for a more efficient and just agricultural structure include not only more equitable access to productive resources but also a support structure that will enhance farmers' access to information, technology, training, credit and marketing facilities. Over and above its commitment to social investment as set forth in the chapter on social development, including in particular investment in health, education, housing and employment, the Government also undertakes to:

Basic infrastructure

(a) Engage in judicious public investment and foster a climate conducive to private investment with a view to upgrading the infrastructure available for sustainable production and marketing, especially in areas of poverty and extreme poverty;

(b) Develop a rural development investment program with emphasis on basic infrastructure (highways, rural roads, electricity, telecommunications, water and environmental sanitation) and productive projects, for a total amount of 300 million quetzales annually during the period 1997-1999;

Credit and financial services

(c) Activate the land fund not later than 1997, while simultaneously promoting conditions that will enable small and medium-scale farmers to have access to credit, individually or in groups, on a financially sustainable basis. In particular, with the support of the private sector and non-governmental development organizations, the Government proposes to strengthen local savings and credit agencies, including associations, cooperatives and the like, with a view to enhancing their function as sources of credit providing small and medium-scale farmers with financial services efficiently and in accordance with local needs and conditions;

Training and technical assistance

(d) Strengthen, decentralize and broaden the coverage of training programs, especially programs designed to enhance rural people's managerial skills at various levels. The private sector and non-governmental organizations will be enlisted in the implementation of this action;

(e) Develop technical assistance and job training programs that will upgrade the skills, versatility and productivity of the labor force in rural areas;

Information

(f) Develop an information collection, compilation and distribution system for the agriculture, forestry, food processing and fisheries sectors, one that will provide small producers with reliable information on which to base their decisions relating to seeds, inputs, crops, costs and marketing;

Marketing

(g) Develop a system of storage centers and duty-free zones with a view to facilitating the processing and marketing of agricultural products and fostering rural employment.

D. Organization of the rural population for production

36. Organizing the rural population is a decisive factor in transforming the inhabitants of the countryside into genuine protagonists of their own development. In view of the vital role of small and medium-scale enterprises in combating poverty, creating rural jobs and promoting more efficient land use, there is a need to promote a more efficient form of organization of small producers so that they can, in particular, take advantage of the support structure described in paragraph 35. To this end, the Government undertakes to:

(a) Support micro-, small and medium-scale agricultural and rural enterprises by strengthening the various ways of organizing them, such as associative rural enterprises, cooperatives, small farmers' associations, mixed enterprises and self-managed and family businesses;

(b) Tackle the problem of smallholdings through:

(i) A firm and sustained policy of support for smallholders so that they can become small-scale agricultural businessmen through access to training, technology, credit and other inputs;

(ii) Promoting, if the smallholders so desire, amalgamation of holdings in those cases where conversion into small businesses is not possible owing to the dispersal and size of the properties.

E. Legal framework and juridical security

37. Guatemala is in need of reform of the juridical framework of agriculture and institutional development in the rural sector so that an end can be put to the lack of protection and dispossession from which small farmers, and in particular indigenous peoples, have suffered, so as to permit full integration of the rural population into the national economy and regulate land use in an efficient and environmentally sustainable manner in accordance with development needs. To this end, and taking into account in all cases the provisions of the Agreement on Identity and Rights of Indigenous Peoples, the Government undertakes to:

Legal reform

(a) Promote a legal reform which will establish a juridical framework governing land ownership that is secure, simple and accessible to the entire population. This reform will need to simplify the procedures for awarding title and registering ownership and other real estate rights, as well as to simplify administrative and judicial formalities and procedures;

(b) Promote the establishment of an agrarian and environmental jurisdiction within the judiciary through the enactment of the relevant legislation by the Congress;

(c) Promote the revision and adjustment of the legislation on undeveloped land so that it conforms to the provisions of the Constitution, and regulate, inter alia through incentives and penalties, the underutilization of land and its use in ways incompatible with sustainable natural resource utilization and preservation of the environment;

(d) Protect common and municipal land, in particular by limiting to the strict minimum the cases in which it can be transferred or handed over in whatever form to private individuals;

(e) With respect to community-owned land, to regulate participation by communities in order to ensure that it is they who take the decisions relating to their land;

Prompt settlement of land conflicts

(f) To establish and apply flexible judicial or non-judicial procedures for the settlement of disputes relating to land and other natural resources (in particular, direct settlement and conciliation), taking into account the provisions of the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict and the Agreement on Identity and Rights of Indigenous People. In addition, to establish procedures that will make it possible:

(i) To define formulas for compensation in the case of land disputes and claims in which farmers, small farmers and communities in a situation of extreme poverty have been or may be dispossessed for reasons not attributable to them;

(ii) To reinstate or compensate, as appropriate, the State, municipalities, communities or individuals when their land has been usurped or has been allocated in an irregular or unjustified manner involving abuse of authority;

(g) Regulate the award of title to the lands of indigenous communities and beneficiaries of the Guatemalan Institute for Agrarian Reform who are in lawful possession of the land assigned to them;

Institutional mechanisms

(h) By 1997, to have started the operations of a Presidential office for legal assistance and conflict resolution in relation to land, with nationwide coverage and the task of providing advice and legal assistance to small farmers and agricultural workers with a view to the full exercise of their rights, and in particular of:

(i) Advising and providing legal assistance to small farmers and agricultural workers and/or their organizations upon request;

(ii) Intervening in land disputes at the request of a party with a view to arriving at a just and expeditious solution;

(iii) In the case of judicial disputes, providing advice and legal assistance free of charge to small farmers and/or their organizations when they so request;

(iv) Receiving complaints of abuses committed against communities, rural organizations and individual small farmers and bringing them to the attention of the Office of the Counsel for Human Rights and/or of any other national or international verification mechanism.

G. Land register

38. On the basis of the provisions of paragraph 37, the Government undertakes to promote legislative changes that would make it possible to establish an efficient decentralized multi-user land registry system that is financially sustainable, subject to compulsory updating and easy to update. Likewise, the Government undertakes to initiate, by January 1997 at the latest, the process of land surveying and systematizing the land register information, starting with priority zones, in particular with a view to the implementation of paragraph 34 on access to land and other production resources.

H. Labor protection

39. The Government undertakes to promote better participation of rural workers in the benefits of agriculture and a reorientation of labor relations in rural areas. It will place particular emphasis on applying to rural workers the labor policy outlined in the relevant section of the present agreement. An energetic labor protection policy, combined with a vocational training policy, is

in line with the requirements of social justice. It is also needed in order to attack rural poverty and promote an agrarian reform aimed at more efficient use of natural and human resources. Accordingly, the Government undertakes to:

(a) Ensure that the labour legislation is effectively applied in rural areas;

(b) Pay urgent attention to the abuses to which rural migrant workers, young tenant farmers and day laborers are subjected in the context of hiring through middlemen, sharecropping, payment in kind and the use of weights and measures. The Government undertakes to adopt administrative and/or penal sanctions against offenders;

(c) Promote reform of the procedures for recognition of the legal personality of small farmers' organizations with a view to simplifying such recognition and making it more flexible through the application of the 1975 International Labour Organization Convention 141 on organization of rural workers.

I. Environmental protection

40. Guatemala's natural wealth is a valuable asset of the country and mankind, in addition to being an essential part of the cultural and spiritual heritage of the indigenous peoples. The irrational exploitation of Guatemala's biogenetic and forest resource diversity endangers a human environment that facilitates sustainable development. Sustainable development is understood as being a process of change in the life of the human being through economic growth with social equity, involving production methods and consumption patterns that maintain the ecological balance. This process implies respecting ethnic and cultural diversity and guaranteeing the quality of life of future generations.

41. In this sense, and in line with the principles of the Central American Alliance for Sustainable Development, the Government reiterates the following commitments:

(a) To adjust educational curricula and training and technical assistance programs to the requirements of environmental sustainability;

(b) To give priority to environmental sanitation in its health policy;

(c) To link physical planning policies, particularly urban planning, with environmental protection;

(d) To promote sustainable natural resource management programs that will create jobs.

J. Resources

42. In order to finance the measures mentioned above, and in view of the priority assigned to modernizing the agriculture sector and rural development, the Government undertakes to increase the State resources allocated to this area by, inter alia:

Land tax

(a) Promoting, by 1997, the legislation and mechanisms for the application, in consultation with municipalities, of a land tax in the rural areas from which it is easy for the municipalities to collect revenues. The tax, from which small properties will be exempt, will help to discourage ownership of undeveloped land and underutilization of land. Taken as a whole, these mechanisms ought not to encourage deforestation of land use for forestry;

Tax on undeveloped land

(b) Establishing a new tax schedule for the annual tax on undeveloped land which imposes significantly higher taxes on privately owned unutilized and/or underutilized land.

IV. MODERNIZATION OF GOVERNMENT SERVICES AND FISCAL POLICY

A. Modernization of government services

[...]

B. Fiscal policy

[...]

V. FINAL PROVISIONS

[...]

Page 5-6; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; I. PRESENTATION OF THE TIMETABLE

Strategy

3. The Timetable is divided into three phases: the first covers a 90-day period from 15 January 1997; the second lasts until the end of 1997; and the third covers 1998, 1999 and 2000. The implementation strategy for these three phases is guided by the following needs:

[...]

(g) In view of the key role which the raising of fiscal revenues and the priority channelling of public spending towards social investment are to play in the implementation of the commitments laid down in the Peace Agreements, the Parties have agreed to set out in an appendix the programming of intermediate annual targets, in relation to gross domestic product (GDP), for increasing the tax burden, increasing public spending on education, health, public security and the justice system, and reducing defence spending in future years. Indicative targets for economic growth for the period 1997-2000 are also set out in the appendix.

Content of the phases

4. Based on the above, the main, but not sole, emphasis in each phase shall be on the following:

[...]

(b) The timetable for the remainder of 1997 includes, in addition to the emphasis to be given under subparagraph (a) above, the following:

[...]

(iv) Comprehensive strategy for rural development;

Implementation of the Timetable

6. With a view to implementing the Timetable, the Parties have divided the commitments set out in the Agreements into four thematic areas:

[...]

(b) Comprehensive human development;

(c) Sustainable development of production; and

Page 9; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; II. TIMETABLE FOR THE 90 DAYS FROM 15 JANUARY 1997; E. Agreement on Social and Economic Aspects and the Agrarian Situation; Rural development investment programme for the period 1997-1999

26. Develop and present a rural development investment programme, with emphasis on basic infrastructure (main roads, rural roads, electricity, telecommunications, water and environmental sanitation) and production projects, for a total of 300 million guetzales in 1997.

Page 18-22; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; III. TIMETABLE FROM 15 APRIL TO 31 DECEMBER 1997; E. Agreement on Social and Economic Aspects and the Agrarian Situation

System of urban and rural development councils to ensure public participation

86. In keeping with the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict and the Agreement on Identity and Rights of Indigenous Peoples, the Government undertakes, as a matter of priority, to:

- (i) re-establish the local development councils;
- (ii) sponsor an amendment to the Urban and Rural Development Council Act to broaden the range of sectors participating in the departmental and regional development councils; and
- (iii) provide adequate funding for the council system, so as to promote public participation in identifying local priorities, the design of public programmes and projects and the integration of national urban and rural development policy.

Public spending on housing

96. Allocate to housing policy the equivalent of no less than 1.5 per cent of tax revenues from the General Budget of State Revenues and Expenditures for 1998, giving priority to subsidizing the demand for low-cost housing options and, to that end, strengthening the Guatemalan Housing Fund (FOGUAVI) and the Housing Subsidy Fund (FOSUVI).

Economic policy

101. Encourage measures, in coordination with the various social sectors, to increase investment and productivity, within the framework of an overall strategy of growth with social stability and equity.

Government agricultural sector investment programme

102. Begin implementation of a government agricultural sector investment programme in production lines linked to agriculture, forestry and fisheries.

Rural development investment programme

103. Begin implementation of the rural development investment programme, paying special attention to areas where uprooted population groups are being resettled and areas where poverty is greatest, with emphasis on basic infrastructure (main roads, rural roads, electricity, telecommunications, water and environmental sanitation) and production projects, for a total of 300 million quetzales in 1997.

Land Trust Fund

104. Sponsor and introduce in the Congress of the Republic a bill setting up the Land Trust Fund. Such bill shall establish, inter alia, the Fund's aims, functions and funding and allocation mechanisms and the origin and future use of land. The Agreement on Social and Economic Aspects and the Agrarian Situation stipulates that the Land Trust Fund must begin operations by 1997 at the latest.

Prompt settlement of land disputes

108. Taking into account the commitments made in the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict and the Agreement on Identity and Rights of Indigenous Peoples and the recommendations on the Joint Commission on Rights relating to Indigenous Peoples' Land, the Government undertakes to establish and apply flexible procedures for the settlement of disputes over land and other natural resources (in particular, direct settlement and conciliation). In addition, it shall establish procedures for defining formulas for compensation in the case of land disputes and claims in which farmers, small farmers and communities in a situation of extreme poverty have been or may be dispossessed for reasons not attributable to them. The uprooted population will require special attention in this connection.

Land registry

109. Sponsor legislative changes that will make it possible to establish an efficient decentralized multi-user land registry system that is financially sustainable, subject to compulsory updating and easy to update.

Norms for the preparation and implementation of the budget

116. Starting in 1997, incorporate annually into the norms and guidelines for the preparation of the preliminary draft General Budget of State Revenues and Expenditures the priority that must be given to social spending, basic public

services, physical infrastructure in support of production, the strengthening of human rights bodies and compliance with the Peace Agreements.

Page 25-29; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; IV. TIMETABLE FOR 1998, 1999 AND 2000; C. Agreement on Social and Economic Aspects and the Agrarian Situation

Public spending on education

144. By the year 2000, increase public spending on education as a proportion of the gross domestic product (GDP) by 50 per cent over the 1995 level.

Public spending on health

150. By the year 2000, increase public spending on health as a proportion of GDP by 50 per cent over the 1995 level and allocate at least 50 per cent of public health spending to preventive health care.

Land management

155. Closely coordinate housing policy with land management policy, especially urban planning and environmental protection policies, to enable poor people to have access to housing with services in hygienic and environmentally sustainable conditions

Public spending on housing

156. Allocate annually to the housing promotion policy no less than 1.5 per cent of tax revenues from the General Budget of State Revenues and Expenditures, giving priority to subsidizing the demand for low-cost housing options.

Housing stock

158. Encourage the supply of housing-related services, housing options and building materials that are of good quality and reasonably priced.

Land tenure

162. Sponsor and introduce in the Congress of the Republic a bill establishing a legal framework for land tenure that is secure, simple and accessible to the entire population.

Modernization of the land registry system

163. Have launched the efficient decentralized multi-user land registry system that is financially sustainable, subject to compulsory updating and easy to update.

Regularization of the award of title to land

164. Regularize the award of title for lands belonging to indigenous communities and uprooted population groups and for beneficiaries of the National Institute for Agrarian Reform (INTA) who are the lawful owners of the land which they have been granted. With respect to communal land, regulate participation by the communities concerned to ensure that it is they who take the decisions concerning their land.

Unused land

165. Sponsor amendments to the legislation on unused land to bring it into line with the Constitution, and regulate by means of incentives and penalties the underuse of land and its use in a manner incompatible with sustainable natural resources use and environmental conservation. Such amendments should include a new tax scale for the annual tax on unused land, imposing significantly higher taxes on privately owned unused and/or underused land.

Evaluation of awards made by the Land Trust Fund

166. In 1999, evaluate whether awards made by the Land Trust Fund have achieved their objectives and, if necessary, change the way in which the programme operates.

Rural development

167. Develop a system for compiling, systematizing and disseminating agricultural, forestry, agro-industrial and fisheries information and a system of storage centres and free zones. Support the strengthening of the various forms of organization of micro-, small and medium-scale agricultural and rural enterprises and encourage the amalgamation of smallholdings if smallholders so desire.

Natural resources management concessions

168. By 1999, have awarded to small and medium-sized farmers' groups, legally incorporated as natural resources management concessions, 100,000 hectares within multi-use areas for the purposes of sustainable forest management, management of protected areas, ecotourism, protection of water sources and other activities compatible with the sustainable potential use of the natural resources of those areas.

Government agricultural sector investment programme

169. Implement the government agricultural sector investment programme in production lines linked to agriculture, forestry and fisheries, for a cumulative total of 200 million quetzales.

Renewable natural resources management programme

170. Promote a renewable natural resources management programme which fosters sustainable forestry and agroforestry production, as well as handicrafts, ecotourism and small- and medium-scale industrial projects that give added value to forestry products.

Rural development investment programme

171. Continue the rural development investment programme, with emphasis on basic infrastructure (main roads, rural roads, electricity, telecommunications, water and environmental sanitation) and production projects, for a total of 300 million quetzales per year.

Page 30-31; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; IV. TIMETABLE FOR 1998, 1999 AND 2000; D. Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society

Public spending on the justice system

179. By the year 2000, increase public spending on the judiciary and the Public Prosecutor's Office as a proportion of GDP by 50 per cent over the 1995 level.

Public security

185. By the year 2000, have increased public spending on public security as a proportion of GDP by 50 per cent over the 1995 level.

Armed forces budget

187. Redirect and reallocate the budget of the Guatemalan armed forces to the constitutional functions and military doctrine referred to in this Agreement, making optimum use of available resources in order to achieve, by 1999, a 33 per cent reduction in military spending as a proportion of GDP over the 1995 level.

Page 5; Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict; II. GUARANTEES FOR THE RESETTLEMENT OF UPROOTED POPULATION GROUPS

3. The rights of the various indigenous communities, primarily Mayas, should be taken into account, especially respect for, and encouragement of, their way of life, cultural identity, customs, traditions and social organization.

Page 5-8; Agreement on identity and rights of indigenous peoples; III. CULTURAL RIGHTS

1. Mayan culture is the original basis of Guatemalan culture and, in conjunction with the other indigenous cultures, is an active and dynamic factor in the development and progress of Guatemalan society.

2. The development of the national culture is therefore inconceivable without recognition and promotion of the culture of the indigenous peoples. Thus, in contrast with the past, educational and cultural policy must be oriented to focus on recognition, respect and encouragement of indigenous cultural values.

With such recognition of cultural differences in mind, an effort must be made to promote contributions and exchanges that can help to enrich Guatemalan society.

3. The Maya, Garifuna and Xinca peoples are the authors of their cultural development. The role of the State is to support that development by eliminating obstacles to the exercise of this right, adopting the necessary legislative and administrative measures to strengthen indigenous cultural development in all fields covered by the State and ensuring the participation of indigenous persons in decisions on the planning and execution of cultural programmes and projects through their organizations and institutions.

A. Language

1. Language is one of the mainstays of culture since, in particular, it is the vehicle for learning and passing on the indigenous view of the world, and indigenous knowledge and cultural values. Thus, all the languages spoken in Guatemala deserve equal respect. In that context provision must be made to recover and protect indigenous languages and to promote the development and use of those languages.

2. To that end, the Government shall take the following measures:

(a) Promote a constitutional reform calling for the listing of all languages existing in Guatemala which the State is constitutionally required to recognize, respect and promote;

(b) Promote the use of all indigenous languages in the educational system, to enable children to read and write in their own tongue or in the language most commonly spoken in the community to which they belong and, in particular, protect bilingual and intercultural education and institutions such as the Mayan Schools and other indigenous educational projects;

(c) Promote the use of the languages of the indigenous people when providing State social services at the community level;

(d) Inform indigenous communities, in their own languages in keeping with the traditions of the indigenous peoples and by adequate means, of their rights, obligations and opportunities in various areas of national life. Recourse shall be had, if necessary, to written translations and the use of mass communications media in the languages of those peoples;

(e) Promote programmes for the training of bilingual judges and court interpreters from and into indigenous languages;

(f) Enhance the status of indigenous languages, opening up new opportunities for them in the mass communications and cultural transmission media, strengthening such organizations as the Academy of Mayan Languages and other similar institutions; and

tr_cul

Cultural Heritage/
Protections

(g) Promote the granting of official status to indigenous languages. To that end an officialization commission will be set up with the participation of representatives of the linguistic communities and the Academy of Mayan Languages of Guatemala, which shall study arrangements for granting official status, taking account of linguistic and territorial criteria. The Government shall promote, in the Guatemalan Congress, a reform of article 143 of the Constitution to reflect the results of the officialization commission's work.

B. Names, surnames and place names

The Government reaffirms the full right to register indigenous names, surnames and place names. It also reaffirms the right of communities to change the names of places in which they reside, when a majority of members so decide. The Government shall take the measures provided for in part II, section A, of this agreement to combat any de facto discrimination in the exercise of this right.

C. Spirituality

1. Recognition is accorded to the importance and special nature of Mayan spirituality as an essential component in the Mayan vision of the world and in the transmittal of its values, as well as those of the other indigenous peoples.

2. The Government undertakes to secure respect for the exercise of this spirituality in all its manifestations, and particularly for the right to practice it, both in public and in private by means of education, worship and observance. Recognition is also given to the importance of the respect due to indigenous spiritual guides and to sacred ceremonies and holy places.

3. The Government shall promote, in the Guatemalan Congress, the reform of article 66 of the Constitution to stipulate that the State recognizes, respects and protects the various forms of spirituality practised by the Maya, Garifuna and Xinca peoples.

D. Temples, ceremonial centres and holy places

1. Recognition is accorded to the historical value and current importance of temples and ceremonial centres as part of the cultural, historical and spiritual heritage of the Maya and other indigenous peoples.

Temples and ceremonial centres situated in areas protected by the State as archaeological sites

2. According to the Guatemalan Constitution, temples and ceremonial centres of archaeological value constitute part of the national cultural heritage. As such, they are the property of the State and must be protected. In that context, measures must be taken to ensure that this principle is not violated in the case of temples and ceremonial centres of archaeological value situated or found on private property.

3. The right of the Maya, Garifuna and Xinca peoples to participate in the conservation and administration of such places is recognized. To guarantee this right the Government undertakes to promote, with the participation of indigenous peoples, legal measures to ensure redefinition of State entities responsible for this function in order to make this right effective.

4. Changes shall be made in the regulations for the protection of ceremonial centres in archaeological areas to ensure that such regulations permit the practice of spirituality and cannot be made an impediment to the exercise of spiritual values. The Government shall promote, in cooperation with indigenous spiritual organizations, regulations governing access to ceremonial centres to guarantee the free practice of indigenous spirituality in conditions of respect laid down by spiritual guides.

Holy places

5. It is recognized that there are other holy places in which indigenous spirituality and, in particular, Mayan spirituality, is traditionally practiced and which need to be preserved. A commission formed of representatives of the Government and indigenous organizations and of indigenous spiritual guides

shall be set up to identify these places and establish rules for their preservation.

E. Use of indigenous dress

1. The constitutional right to wear indigenous dress must be respected and guaranteed in all areas of national life. The Government shall take the measures provided for in part II, section A, of this agreement to combat any de facto discrimination regarding the use of indigenous dress.

2. Furthermore, in a campaign to make the public more aware of the different manifestations of the Mayan, Garifuna and Xinca cultures, information shall be provided on the spiritual and cultural value of indigenous dress and the need to respect it.

F. Science and technology

1. The existence and value of the scientific and technological knowledge of the Maya and other indigenous peoples are recognized. This legacy must be retrieved, developed and disseminated.

2. The Government undertakes to promote the study and dissemination of this knowledge and to help put it to practical use. Universities, academic centres, the communications media, non-governmental organizations and international cooperation agencies are urged to validate and publicize the scientific and technical contributions of indigenous peoples.

3. Furthermore, the Government shall facilitate access by indigenous peoples to contemporary knowledge and shall promote scientific and technical exchanges.

[...]

Page 14; Agreement on Social and Economic Aspects and Agrarian Situation; II. SOCIAL DEVELOPMENT; B. Health; Indigenous and traditional medicine

(f) The system would enhance the importance of indigenous and traditional medicine, promoting its study and renewing its concepts, methods and practices;

Page 4-5; Agreement on Constitutional Reforms and the Electoral Regime; I. CONSTITUTIONAL REFORMS; A. Constitutional reforms contained in the Agreement on Identity and Rights of Indigenous Peoples

4. This Agreement provides for constitutional recognition of the identity of the Maya, Garifuna and Xinca peoples and, from that standpoint, of the need to define and characterize the Guatemalan State as being one of national unity and multi-ethnic, multicultural and multilingual in nature. It is not just a matter of recognizing the existence and identity of various ethnic groups, as article 66 of the Constitution currently does, but of recognizing that the very make-up of society, without prejudice to the unity of the nation and the State, is characterized in that way; this also entails recognizing the specific nature of indigenous people's spirituality as an essential component of their world view and of the transmission of their values, and granting official constitutional recognition to indigenous languages as one of the mainstays of national culture and as a vehicle for acquiring and transmitting indigenous people's world view, knowledge and cultural values.

Identity of the Maya, Garifuna and Xinca peoples

5. Sponsor in the Congress of the Republic express constitutional recognition of the identity of the Maya, Garifuna and Xinca peoples, within the unity of the Guatemalan nation.

List of the languages existing in the country

6. Sponsor in the Congress of the Republic an amendment to the Constitution incorporating in its article 143 a list of all languages existing in the Republic, which the Government is required to recognize, respect and promote.

Official recognition of indigenous languages

7. Sponsor in the Congress of the Republic, in accordance with the conclusions of the Official Recognition Commission established under the Agreement on Identity and Rights of Indigenous Peoples, the necessary constitutional amendments arising out of the Commission's work.

Spirituality of the Maya, Garifuna and Xinca peoples

8. Sponsor in the Congress of the Republic the amendment of article 66 of the Constitution to stipulate that the State recognizes, respects and protects the various forms of spirituality practised by the Maya, Garifuna and Xinca peoples.

Definition and characterization of the Guatemalan nation

9. Sponsor in the Congress of the Republic an amendment to article 140 of the Constitution to define and characterize the Guatemalan nation as being one of national unity and multi-ethnic, multicultural and multilingual in nature.

Page 8; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; II. TIMETABLE FOR THE 90 DAYS FROM 15 JANUARY 1997; D. Agreement on identity and rights of indigenous peoples Official Recognition Commission; Commission on Holy Places

19. Establish the Commission on Holy Places, made up of representatives of the Government and indigenous organizations and of indigenous spiritual guides, to identify such places and lay down rules for their preservation.

Page 25; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; IV. TIMETABLE FOR 1998, 1999 AND 2000; B. Agreement on Identity and Rights of Indigenous Peoples

Use of indigenous languages and bilingual training

140. In keeping with the conclusions of the Commission for the Official Recognition of Indigenous Languages, promote the use of indigenous peoples' languages in the provision of State social services at the community level and promote the bilingual training of judges and court interpreters from and into indigenous languages.

Temples, ceremonial centres and holy places

141. In keeping with the conclusions of the Commission on Holy Places, promote with the participation of indigenous peoples the necessary legal measures to ensure the restructuring of State entities responsible for the preservation and administration of temples and ceremonial centres of archaeological value, as well as changes in the regulations for the protection of ceremonial centres of archaeological value, in order to ensure respect for Mayan spirituality.

Page 16; Agreement on Social and Economic Aspects and Agrarian Situation; II. SOCIAL DEVELOPMENT; D. Housing; National commitment

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Financial Arrangements

(j) In view of the size and urgency of the housing problem, national efforts should be mobilized to solve it. The Government undertakes to allocate to the housing promotion policy no less than 1.5 per cent of the tax revenue budget, beginning in 1997, giving priority to the subsidy for low-cost housing options.

Page 26; Agreement on Social and Economic Aspects and Agrarian Situation; III. AGRARIAN SITUATION AND RURAL DEVELOPMENT; J. Resources

Land tax

(a) Promoting, by 1997, the legislation and mechanisms for the application, in consultation with municipalities, of a land tax in the rural areas from which it is easy for the municipalities to collect revenues. The tax, from which small properties will be exempt, will help to discourage ownership of undeveloped land and underutilization of land. Taken as a whole, these mechanisms ought not to encourage deforestation of land use for forestry;

Tax on undeveloped land

(b) Establishing a new tax schedule for the annual tax on undeveloped land which imposes significantly higher taxes on privately owned unutilized and/or underutilized land.

Page 27-29; Agreement on Social and Economic Aspects and Agrarian Situation; IV. MODERNIZATION OF GOVERNMENT SERVICES AND FISCAL POLICY; B. Fiscal policy

45. Fiscal policy (revenue and expenditure) is the key tool enabling the State to comply with its constitutional commitments, particularly those relating to social development, which is essential to the quest for the common good. Fiscal policy is also essential to Guatemalan sustainable development, which has been impaired by low levels of education, health care and public security, a lack of infrastructure and other factors which militate against increasing the productivity of labor and the competitiveness of the Guatemalan economy.

Budgetary policy

46. Budgetary policy should respond to the need for socio-economic development in a stable context, which requires a public spending policy consistent with the following basic principles:

(a) Giving priority to social spending, the provision of public services and the basic infrastructure needed to support production and marketing;

(b) Giving priority to social investment in health care, education and housing; rural development; job creation; and compliance with the commitments entered into under the peace agreements. The budget should include sufficient resources for strengthening the organizations and institutions responsible for ensuring the rule of law and respect for human rights;

(c) Efficient budget performance, with an emphasis on decentralization, redistribution and auditing of budgetary resources.

Tax policy

47. Tax policy should be designed to enable the collection of the resources needed for the performance of the State's functions, including the funds required for the consolidation of peace, within the framework of a tax system consistent with the following basic principles:

(a) The system is fair, equitable and, on the whole, progressive, in keeping with the constitutional principle of ability to pay;

(b) The system is universal and compulsory;

(c) The system stimulates saving and investment.

48. The State should also ensure efficiency and transparency in tax collection and fiscal management so as to promote taxpayer confidence in government policy and eliminate tax evasion and fraud.

Tax collection target

49. Bearing in mind the need to increase State revenues in order to cope with the urgent tasks of economic growth, social development and building peace, the Government undertakes to ensure that by the year 2000, the tax burden, measured as a ratio of gross domestic product, increases by at least 50 per cent as compared with the 1995 tax burden.

Fiscal commitment

50. As a step towards a fair and equitable tax system, the Government undertakes to address the most serious issue relating to tax injustice and inequity, namely, evasion and fraud, especially on the part of those who should be the largest contributors. In order to eradicate privileges and abuses, eliminate tax evasion and fraud and implement a tax system which is, on the whole, progressive, the Government undertakes to:

Legislation

(a) Promote an amendment to the Tax Code establishing harsher penalties for tax evasion, avoidance and fraud, both for taxpayers and for tax administration officials;

(b) Promote an amendment to the tax laws designed to eliminate loopholes;

(c) Evaluate and regulate tax exemptions strictly so as to eliminate abuses;

Strengthening of tax administration

(d) Strengthen the existing auditing and collection mechanisms, such as cross-checking, tax identification numbers and tax credits for withholding of income tax and value-added tax;

(e) Simplify and automate tax administration procedures;

(f) Ensure the correct and prompt application or reimbursement of tax credit and punish severely those who do not return withheld value-added tax to the tax authorities;

(g) Create a special program for large contributors in order to ensure that they comply fully with their tax obligations;

(h) Implement administrative structures specifically geared to the revenue collection and auditing programs and to the application of the relevant tax laws;

(i) Strengthen the capacity of municipalities to exercise their authority to collect taxes;

Participation

(j) Ensure that the urban and rural development councils contribute to the definition and monitoring of tax policy within the framework of their mandate to formulate development policies;

Civic education

(k) Within academic curricula, continue to promote knowledge of, respect for and compliance with tax obligations as part of coexistence in a democratic society.

Enforcement of tax policy

51. The failure to fulfill tax obligations deprives the country of the resources needed in order to address the backlog of social needs affecting Guatemalan society. The Government undertakes to impose exemplary penalties on those who engage in various types of tax fraud, to modernize and strengthen tax administration and to give priority to spending on social needs.

Aspects and the Agrarian Situation; Legislation and strengthening of tax administration

27. Submit a report on: (a) amendments made to the Tax Code and other legislation in 1996 to eliminate loopholes and establish harsher penalties for tax evasion, avoidance and fraud; (b) steps taken to ensure the correct and prompt application of or reimbursement of the tax credit and to punish severely those who do not return withheld value-added tax to the tax authorities; and (c) any additional measures that may be deemed necessary.

28. Promote and present initiatives to strengthen institutional mechanisms for revenue collection and auditing.

Page 20-22; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; III. TIMETABLE FROM 15 APRIL TO 31 DECEMBER 1997; E. Agreement on Social and Economic Aspects and the Agrarian Situation

Land Trust Fund

104. Sponsor and introduce in the Congress of the Republic a bill setting up the Land Trust Fund. Such bill shall establish, inter alia, the Fund's aims, functions and funding and allocation mechanisms and the origin and future use of land. The Agreement on Social and Economic Aspects and the Agrarian Situation stipulates that the Land Trust Fund must begin operations by 1997 at the latest.

Trust

105. The Land Trust Fund shall set up a trust in a participating banking institution to provide credit and promote savings, preferably for micro-, small and medium-sized enterprises.

Credit and financial services

106. Promote conditions enabling small and medium-scale farmers to have access to credit, individually or in groups, on a financially sustainable basis. In particular, with the support of the business sector and non-governmental development organizations, promote the strengthening of local savings and loan agencies, such as associations, cooperatives and the like, so that they can provide credit and financial services to small and medium-sized businesses efficiently and in accordance with local needs and conditions.

Land tax

110. Sponsor legislation and mechanisms for imposing, in consultation with municipalities, a land tax in rural areas in which it is easy for the municipalities to collect revenues. The tax, from which small properties shall be exempt, will help to discourage owners from leaving land unused or underused. It must not encourage deforestation of woodlands.

Tax administration

111. Strengthen existing auditing and collection mechanisms, such as cross-checking, tax identification numbers and tax credits for withholding of income tax and value-added tax.

112. Keep in operation a special programme targeting big taxpayers to make sure that they meet their tax obligations in full.

113. Evaluate and strictly regulate tax exemptions in order to eliminate abuse.

114. Put into operation administrative structures that are specifically geared to revenue collection and auditing programmes and to the application of the corresponding tax laws.

115. Simplify and automate tax administration operations.

Page 29; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; IV. TIMETABLE FOR 1998, 1999 AND 2000; C. Agreement on Social and Economic Aspects and the Agrarian Situation

Tax system

172. Design and present a methodology for evaluating whether the tax system is universally progressive, in line with the basic principles established in the Agreement on Social and Economic Aspects and the Agrarian Situation.

Tax burden

173. Take the necessary action and put forward the necessary proposals to ensure that, by the year 2000, the tax burden as a proportion of GDP is at least 50 per cent greater than in 1995.

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Dispute Settlement
Mechanisms

Page 7-10; Comprehensive Agreement on Human Rights; X. INTERNATIONAL VERIFICATION BY THE UNITED NATIONS

1. The Parties reaffirm the decision stated in the Framework Agreement of 10 January 1994 that all the agreements must be accompanied by appropriate national and international verification mechanisms, and that the latter must be the responsibility of the- United Nations.

2. In this context the Parties agree to request the Secretary-General of the United Nations to organize a mission for the verification of human rights and of compliance with the commitments of the agreement. The mission will be a component of the overall verification of the firm and lasting peace agreement which the parties undertook to sign within the shortest possible time during the current year.

4. The Parties agree to ask the Secretary-General of the United Nations that the mission for the verification of the agreement be established with the following in mind:

Functions

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Verification &
Monitoring
Mechanism

5. In verifying human rights, the mission shall carry out the following functions:

(a) Receive, consider and follow-up complaints regarding possible human rights violations;

(b) Establish that the competent national institutions are carrying out the necessary investigations autonomously, effectively and in accordance with the political constitution of the Republic of Guatemala and international norms regarding human rights;

(c) Determine whether or not a violation of human rights has occurred on the basis of whatever information it may obtain in the exercise of the powers referred to in paragraph 10, subparagraphs (a), (b), (c) and (d), taking into consideration any investigations that the competent constitutional institutions may carry out.

6. In verifying the other commitments set forth in the present agreement, the mission shall determine whether it is being fully implemented by the parties.

7. According to the findings of its verification activities, the mission shall make recommendations to the Parties, in particular regarding measures necessary to promote full observance of human rights and faithful implementation of the present agreement as a whole.

8. Bilateral talks shall be instituted between the mission and each one of the Parties so that the latter may make observations regarding the mission's recommendations and so as to facilitate implementation of the above-mentioned measures.

9. The mission shall report regularly to the Secretary-General of the United Nations, who shall report to the competent bodies of that Organization. Copies of these reports shall be transmitted to the Parties.

10. The mission shall be empowered to:

(a) Establish itself and move freely throughout the national territory;

(b) Interview any person or group of persons freely and privately for the proper performance of its functions;

(c) Visit government offices and Unidad Revolucionaria Nacional Guatemalteca encampments freely and without prior notice when this is deemed necessary for the performance of its functions;

(d) Collect whatever information may be relevant for the implementation of its mandate.

11. The mission may disseminate information relating to its functions and activities to the Guatemalan public through the mass media.

12. In verifying the observance of human rights, the mission shall pay particular attention to the rights to life, integrity and security of person, to individual liberty, to due process, to freedom of expression, to freedom of movement, to freedom of association and to political rights.

13. In the performance of its functions the mission shall take into account the situation of the most vulnerable groups of society and to the population directly affected by the armed confrontation (including displaced persons, refugees and returnees).

14. The mission's activities shall relate to events and situations subsequent to the mission's installation.

15. For purposes of implementation of the general commitment regarding human rights (chapter I of the present agreement), the Parties understand human rights as meaning those rights which are recognized in the Guatemalan legal order including international treaties, conventions and other instruments on the subject to which Guatemala is a party.

Cooperation and support for national institutions for the protection of human rights

16. The Parties agree in acknowledging that international verification must contribute to strengthening the permanent constitutional mechanisms and other national governmental and non-governmental entities for the protection of human rights. In order to support them, the verification mission shall be empowered to:

(a) Cooperate with national institutions and entities, as necessary, for the effective protection and promotion of human rights and, in particular sponsor technical cooperation programmes and carry out institution-building activities;

(b) Offer its support to the judiciary and its auxiliary organs, the Public Prosecutor's Office, the Counsel for Human Rights and the Presidential Human Rights Committee in order to contribute to the development and strengthening of national institutions for the protection of human rights and due legal process;

(c) Promote the international technical and financial cooperation required to strengthen the capacity of the Counsel for Human Rights and that of other national institutions and entities to carry out their functions in respect of human rights;

(d) Contribute, in cooperation with the State and the various, bodies of society, to encouraging a culture of respect for human rights.

Duration and structure of the mission

17. The mission shall initially be established for one year and its mandate may be renewed.

18. The verification mission shall be headed by a chief, appointed by the Secretary-General of the United Nations, assisted by such international and national officials and experts in various specialities as may be needed to achieve the aims of the mission. The Government of Guatemala and the mission shall sign the relevant headquarters agreement, in accordance with the Convention on the Privileges and Immunities of the United Nations of 1946.

Launching of the international verification mission

1. Taking into consideration its wish to promote human rights in Guatemala, and the fact that the provisions of the present agreement reflect constitutional rights that are already set forth in Guatemala's legal order and considering the role of the international mission to strengthen national institutions and entities for the protection of human rights, in particular the Counsel for Human Rights, the Parties recognize that it is desirable, as an exceptional measure, that verification of the human rights agreement should commence prior to the signing of the firm and lasting peace agreement.

2. Since the verification mission is to begin its functions prior to the end of the armed confrontation, and thus while military operations continue, the mission shall make the necessary security arrangements.

3. The Parties agree immediately to ask the Secretary-General of the United Nations to send a preliminary mission as soon as possible to prepare, in coordination with the Parties, the establishment of the mission at the earliest possible date, and to evaluate the financial and technical needs essential for verification of the agreement on human rights.

Cooperation of the Parties with the verification mission

1. The Parties undertake to provide their broadest support to the mission and, to that end, they pledge to provide it with whatever cooperation it may need in order to carry out its functions; in particular to see to the safety of members of the mission and of persons submitting complaints or giving testimony to the mission.

2. The international verification carried out by the mission shall be carried out within the framework of the provisions of the present agreement. Any situation that may arise regarding the scope of the agreement shall be resolved by means of the talks provided for in paragraph 8 above.

Page 15; Agreement on the establishment of the Commission to clarify past human rights violations and acts of violence that have caused the Guatemalan population to suffer

International verification

In conformity with the Framework Agreement of 10 January 1994, implementation of this Agreement shall be subject to international verification by the United Nations.

Measures for prompt execution following the signing of this Agreement

The Parties agree to ask the Secretary-General to appoint the Moderator of the negotiations as a member of the Commission as soon as possible. When he is appointed, he shall be authorized to proceed forthwith to make all necessary arrangements to ensure that the Commission functions smoothly once it is established and installed in conformity with the provisions of this Agreement.

Page 17-18; Agreement on identity and rights of indigenous peoples; VII. FINAL PROVISIONS

1. In accordance with the Framework Agreement, the Secretary-General of the United Nations is requested to undertake the verification of the implementation of this agreement, and it is suggested that, in planning the verification mechanism, he should take into account the views of indigenous organizations.

2. The aspects of this agreement which relate to the human rights recognized in the legislation of Guatemala and in the treaties, conventions and other international instruments in that area to which Guatemala is a party, shall have immediate force and application. It is requested that the verification should be carried out by the United Nations Mission for the Verification of Human Rights and of Compliance with the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA).

[...]

Page 25; Agreement on Social and Economic Aspects and Agrarian Situation; III. AGRARIAN SITUATION AND RURAL DEVELOPMENT; E. Legal framework and juridical security; Institutional mechanisms

(h) By 1997, to have started the operations of a Presidential office for legal assistance and conflict resolution in relation to land, with nationwide coverage and the task of providing advice and legal assistance to small farmers and agricultural workers with a view to the full exercise of their rights, and in particular of:

[...]

(iv) Receiving complaints of abuses committed against communities, rural organizations and individual small farmers and bringing them to the attention of the Office of the Counsel for Human Rights and/or of any other national or international verification mechanism.

Page 30; Agreement on Social and Economic Aspects and Agrarian Situation; V. FINAL PROVISIONS

3. In accordance with the Framework Agreement, the Secretary-General of the United Nations is requested to verify compliance with this Agreement.

Page 7; Agreement on the definitive ceasefire; A. Ceasefire

Entry into force

2. The ceasefire shall enter into force as of 0000 hours on D-day, the date on which the United Nations verification mechanism shall be in place with full operational capacity. This phase must be completed no later than D+60, with the demobilization of URNG.

3. The parties agree to maintain the current cessation of offensive military activity by URNG and of counter-insurgent military activities by the Guatemalan armed forces until D-day.

4. The United Nations shall notify the parties of the establishment of the verification mechanism as soon as possible so that D-day may be set.

Deployment of the verification mechanism

5. From D-10 to D-day the United Nations shall deploy its personnel and equipment in order to verify the ceasefire at the sites determined by the parties in the annexes to this Agreement.

Verification sites

6. For purposes of verification, during the period of the ceasefire, representatives of the United Nations shall be present in the military units of the Guatemalan armed forces designated in annex C and at the URNG assembly points specified in annex A to this Agreement.

Page 7-10; Agreement on the definitive ceasefire; B. Separation of forces

Concepts

8. Redeployment of Guatemalan armed forces units: withdrawal means the establishment of spaces in which there is no Guatemalan armed forces presence of any kind. These spaces are to ensure safety and logistical support for URNG in order to facilitate verification by the United Nations.

Security zone

12. Only United Nations verification units may have access to these zones. Police activities may be carried out subject to coordination with the United Nations verification authority.

Coordination zone

13. A coordination zone extending a further 6 kilometres shall be established around each security zone. Movement by military units of the Guatemalan armed forces and CVDCs must be coordinated in advance with the United Nations verification authority.

Information concerning troops and weapons

15. URNG shall provide the United Nations with detailed information on the number of troops, lists of names, inventories of weapons, explosives and mines, and all other necessary information concerning the existence of minefields, munitions and other military equipment, both in their possession and in storage. The Guatemalan armed forces shall likewise provide updated information on the number of troops in the units to be redeployed which are identified in annex C. Both parties shall transmit this information to the verification authority no later than D+15.

16. The parties agree to transmit to the verification authority within the time agreed with both of them any additional information required by the authority.

Start of redeployment

19. The Parties shall communicate to the United Nations verification authority no later than D-10 the full programme for the moves of their respective forces (composition, route to be taken, when the move is to begin and any other information needed to complete the verification).

Restrictions on assembled URNG troops

21. Assembled URNG elements undertake not to leave the assembly points without the consent and verification of the United Nations. They may do so if they are unarmed and accompanied by verification representatives in coordination with the Government of Guatemala, in the cases provided for in the following subparagraphs:

- (a) Medical treatment;
- (b) To hand over clandestine stores of arms, munitions and equipment located anywhere;
- (c) To point out areas where there are minefields;
- (d) For any other humanitarian purpose, whether individual or collective;
- (e) To conduct consultations with other assembly points or working groups.

Verification of military units of the Guatemalan armed forces designated in annex C

22. The military units of the Guatemalan armed forces designated in annex C of this document shall be subject to verification programmes by the United Nations during the ceasefire process and shall give prior notice of their movements to the verification authority when such movements are scheduled to be conducted within the coordination zones.

Restriction of airspace

23. This shall enter into force on D-Day; utilization of airspace shall remain restricted as follows:

- (a) Military flights over security zones shall be prohibited save in case of disaster or public emergency in which case advance notice of such flights shall be given to the United Nations verification authority;
- (b) Military flights over coordination zones shall be permitted with advance notification to the United Nations verification mission.

Control of armaments

25. From D+11 to D+42 in URNG assembly points, weapons, munitions and other military equipment shall be deposited in special warehouses designated by the United Nations; combatants, however, shall keep their personal equipment and weapons as long as they remain in those locations.

26. Each warehouse shall have two locks; one key shall be held by the United Nations and the other by the URNG official in charge of each encampment. The United Nations shall periodically check the inventory of each warehouse.

Page 7-10; Agreement on the definitive ceasefire; C. Demobilization

Concept

27. Demobilization means the ending of URNG military structures in the agreed assembly points. The integration of URNG in the country's political life shall proceed in accordance with the agreement on basis for the integration of URNG into the political life of the country, which is subject to United Nations verification.

Logistical support

29. A commission made up of representatives of URNG and of the Government of Guatemala shall be established under the coordination of the United Nations, in order to provide logistical support to the ceasefire and demobilization process. The number of members of the Commission shall be determined in accordance with needs.

Page 11; Agreement on the definitive ceasefire; D. Verification

Term

31. International verification by the United Nations means on-site monitoring of the fulfilment by both parties of the commitments entered into in this Agreement.

Start of verification

32. Verification shall start on D-day when the ceasefire comes into effect, in accordance with the provisions of this Agreement, without thereby restricting fulfilment by the Guatemalan armed forces of their constitutional function in the rest of the national territory.

Coordination and follow-up

33. For the purposes of coordination and follow-up the Parties undertake to designate officials, at different levels, to liaise with the verification authority.

Page 13; Agreement on Constitutional Reforms and the Electoral Regime; III. FINAL PROVISIONS

Second. In accordance with the Framework Agreement, the Secretary-General of the United Nations is requested to verify compliance with this Agreement.

Page 21; Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca; III. ELEMENTS OF THE INTEGRATION PROGRAMME; A. Legal area

Demobilization

28. [...] The date on which that demobilization was completed shall be communicated officially by the United Nations verification authority.

Page 26; Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca; V. FINAL PROVISIONS

Second. In accordance with the Framework Agreement, the Parties request the Secretary-General of the United Nations to verify compliance with this Agreement.

Page 11; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; II. TIMETABLE FOR THE 90 DAYS FROM 15 JANUARY 1997; H. Agreement on the Definitive Ceasefire Entry into force

Deployment of the verification mechanism

40. From D-10 to D-Day the United Nations shall deploy its personnel and equipment in order to verify the ceasefire at the sites determined by the Parties in the annexes to the Agreement on the Definitive Ceasefire.

Verification sites

41. For purposes of verification, during the period of the ceasefire, representatives of the United Nations shall be present in the military units of the Guatemalan armed forces designated in annex C and at the URNG assembly points specified in annex A to the Agreement on the Definitive Ceasefire.

Security zone

44. Only United Nations verification units may have access to these zones. Police activities may be carried out subject to coordination with the United Nations verification authority.

Page 32-33; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; V. FOLLOW-UP COMMISSION

Composition

190. The Follow-up Commission shall be composed as follows:
(a) An equal number of representatives from each of the Parties to the peace negotiations;
(b) Four citizens from different sectors of the population, who shall be invited to join the Commission by mutual agreement of the Parties to the peace negotiations;
(c) The Congress of the Republic shall be asked to designate one of its members to represent it on the Commission;
(d) The head of the international verification mission, who shall have the right to speak but not to vote.

191. The Commission shall be constituted in January 1997.

Objective

192. To participate and be involved in the implementation of the Peace Agreements, so as to ensure that the process is effective and that the commitments made are properly fulfilled.

Functions

193. The Commission shall have the following functions:

(a) Analyse, from a political and technical standpoint, the progress made and the difficulties encountered in applying and executing the Implementation, Compliance and Verification Timetable for the Peace Agreements;

(b) Give prior consideration to the legislative proposals agreed to in the Peace Agreements and to be drafted by the executive branch pursuant to those Agreements, to help ensure that they are in keeping with the content of the Peace Agreements;

(c) Maintain communication, through the Peace Secretariat, with government bodies that have responsibilities in the areas of work identified in the Timetable, in order to stay abreast of progress in those areas;

(d) Schedule and reschedule targets and actions according to the need to comply with the Timetable and to ensure the effective functioning of the peace process;

(e) Maintain communication with and receive reports from the international verification authority;

(f) Provide support for efforts to obtain funding for the implementation of the commitments set out in the Peace Agreements; and

(g) Prepare and issue periodic reports on the progress made and the difficulties encountered in complying with the Timetable and the Peace Agreements and in carrying out the work entrusted to it.

Page 33-35; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; VI. INTERNATIONAL VERIFICATION

196. The Parties agree that international verification is essential for achieving greater certainty in the implementation of the Agreements signed and for strengthening confidence in the consolidation of peace.

197. In keeping with the Framework Agreement for the Resumption of the Negotiating Process of 10 January 1994 and the requests made in all the agreements signed since then, the Parties request the Secretary-General of the United Nations to set up a mission to verify the agreements included in the Agreement on a Firm and Lasting Peace (hereinafter referred to as "the Mission"), with the following characteristics.

Human rights

198. The present United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA), with its own functions and powers, shall be a component of the mission mentioned in the preceding paragraph.

Functions

199. The functions of the mission shall include:

(a) Verification

(i) On the basis of the Timetable set out in this Agreement and of any changes thereto which the Parties may agree to make in the future, to verify fulfilment of all the commitments made in the Agreement on a Firm and Lasting Peace;

(ii) To evaluate the implementation and progress of programmes and projects arising out of the Agreements, in terms of fulfilment of the commitments made;

(iii) On the basis of its verification activities, to make the necessary recommendations, at the appropriate moment, for avoiding or rectifying any instance of non-compliance;

(iv) To report regularly to the Secretary-General of the United Nations and, through him, to the States Members of the United Nations on the progress of compliance with the Agreements;

[...]

**Page 7-10; Comprehensive Agreement on Human Rights; X.
INTERNATIONAL VERIFICATION BY THE UNITED NATIONS**

1. The Parties reaffirm the decision stated in the Framework Agreement of 10 January 1994 that all the agreements must be accompanied by appropriate national and international verification mechanisms, and that the latter must be the responsibility of the- United Nations.

2. In this context the Parties agree to request the Secretary-General of the United Nations to organize a mission for the verification of human rights and of compliance with the commitments of the agreement. The mission will be a component of the overall verification of the firm and lasting peace agreement which the parties undertook to sign within the shortest possible time during the current year.

4. The Parties agree to ask the Secretary-General of the United Nations that the mission for the verification of the agreement be established with the following in mind:

Functions

5. In verifying human rights, the mission shall carry out the following functions:

(a) Receive, consider and follow-up complaints regarding possible human rights violations;

(b) Establish that the competent national institutions are carrying out the necessary investigations autonomously, effectively and in accordance with the political constitution of the Republic of Guatemala and international norms regarding human rights;

(c) Determine whether or not a violation of human rights has occurred on the basis of whatever information it may obtain in the exercise of the powers referred to in paragraph 10, subparagraphs (a), (b), (c) and (d), taking into consideration any investigations that the competent constitutional institutions may carry out.

6. In verifying the other commitments set forth in the present agreement, the mission shall determine whether it is being fully implemented by the parties.

7. According to the findings of its verification activities, the mission shall make recommendations to the Parties, in particular regarding measures necessary to promote full observance of human rights and faithful implementation of the present agreement as a whole.

8. Bilateral talks shall be instituted between the mission and each one of the Parties so that the latter may make observations regarding the mission's recommendations and so as to facilitate implementation of the above-mentioned measures.

9. The mission shall report regularly to the Secretary-General of the United Nations, who shall report to the competent bodies of that Organization. Copies of these reports shall be transmitted to the Parties.

10. The mission shall be empowered to:

(a) Establish itself and move freely throughout the national territory;

(b) Interview any person or group of persons freely and privately for the proper performance of its functions;

(c) Visit government offices and Unidad Revolucionaria Nacional Guatemalteca encampments freely and without prior notice when this is deemed necessary for the performance of its functions;

(d) Collect whatever information may be relevant for the implementation of its mandate.

11. The mission may disseminate information relating to its functions and activities to the Guatemalan public through the mass media.

ia_pko

Peacekeeping

12. In verifying the observance of human rights, the mission shall pay particular attention to the rights to life, integrity and security of person, to individual liberty, to due process, to freedom of expression, to freedom of movement, to freedom of association and to political rights.

13. In the performance of its functions the mission shall take into account the situation of the most vulnerable groups of society and to the population directly affected by the armed confrontation (including displaced persons, refugees and returnees).

14. The mission's activities shall relate to events and situations subsequent to the mission's installation.

15. For purposes of implementation of the general commitment regarding human rights (chapter I of the present agreement), the Parties understand human rights as meaning those rights which are recognized in the Guatemalan legal order including international treaties, conventions and other instruments on the subject to which Guatemala is a party.

Cooperation and support for national institutions for the protection of human rights

16. The Parties agree in acknowledging that international verification must contribute to strengthening the permanent constitutional mechanisms and other national governmental and non-governmental entities for the protection of human rights. In order to support them, the verification mission shall be empowered to:

(a) Cooperate with national institutions and entities, as necessary, for the effective protection and promotion of human rights and, in particular sponsor technical cooperation programmes and carry out institution-building activities;

(b) Offer its support to the judiciary and its auxiliary organs, the Public Prosecutor's Office, the Counsel for Human Rights and the Presidential Human Rights Committee in order to contribute to the development and strengthening of national institutions for the protection of human rights and due legal process;

(c) Promote the international technical and financial cooperation required to strengthen the capacity of the Counsel for Human Rights and that of other national institutions and entities to carry out their functions in respect of human rights;

(d) Contribute, in cooperation with the State and the various, bodies of society, to encouraging a culture of respect for human rights.

Duration and structure of the mission

17. The mission shall initially be established for one year and its mandate may be renewed.

18. The verification mission shall be headed by a chief, appointed by the Secretary-General of the United Nations, assisted by such international and national officials and experts in various specialities as may be needed to achieve the aims of the mission. The Government of Guatemala and the mission shall sign the relevant headquarters agreement, in accordance with the Convention on the Privileges and Immunities of the United Nations of 1946.

Launching of the international verification mission

1. Taking into consideration its wish to promote human rights in Guatemala, and the fact that the provisions of the present agreement reflect constitutional rights that are already set forth in Guatemala's legal order and considering the role of the international mission to strengthen national institutions and entities for the protection of human rights, in particular the Counsel for Human Rights, the Parties recognize that it is desirable, as an exceptional measure, that verification of the human rights agreement should commence prior to the signing of the firm and lasting peace agreement.

2. Since the verification mission is to begin its functions prior to the end of the armed confrontation, and thus while military operations continue, the mission shall make the necessary security arrangements.

3. The Parties agree immediately to ask the Secretary-General of the United Nations to send a preliminary mission as soon as possible to prepare, in coordination with the Parties, the establishment of the mission at the earliest possible date, and to evaluate the financial and technical needs essential for verification of the agreement on human rights.

Cooperation of the Parties with the verification mission

1. The Parties undertake to provide their broadest support to the mission and, to that end, they pledge to provide it with whatever cooperation it may need in order to carry out its functions; in particular to see to the safety of members of the mission and of persons submitting complaints or giving testimony to the mission.

2. The international verification carried out by the mission shall be carried out within the framework of the provisions of the present agreement. Any situation that may arise regarding the scope of the agreement shall be resolved by means of the talks provided for in paragraph 8 above.

Page 9; Comprehensive Agreement on Human Rights; X. INTERNATIONAL VERIFICATION BY THE UNITED NATIONS; Cooperation and support for national institutions for the protection of human rights

16. The Parties agree in acknowledging that international verification must contribute to strengthening the permanent constitutional mechanisms and other national governmental and non-governmental entities for the protection of human rights. In order to support them, the verification mission shall be empowered to:

(c) Promote the international technical and financial cooperation required to strengthen the capacity of the Counsel for Human Rights and that of other national institutions and entities to carry out their functions in respect of human rights;

Page 6; Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict; II. GUARANTEES FOR THE RESETTLEMENT OF UPROOTED POPULATION GROUPS

6. The Parties request the United Nations Educational, Scientific and Cultural Organization (UNESCO) to elaborate a specific plan to support and provide continuity to efforts to educate the population groups in the resettlement areas, including providing continuity to the efforts being made by the uprooted communities.

Page 10; Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict; IV. RESOURCES AND INTERNATIONAL COOPERATION

3. The Parties recognize that the series of tasks relating to the resettlement of the uprooted population is of such breadth and complexity that the strong support of the international community is needed in order to complement the domestic efforts of the Government and of the various sectors of civil society. Otherwise, the Government's commitment would be limited by financial constraints.

Page 10-11; Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict; V. INSTITUTIONAL ARRANGEMENTS

1. The agreements contained in the comprehensive resettlement strategy shall be implemented through the execution of specific projects.

ia_adv

International
Assistance &
Advice

2. For that purpose the Parties agree to establish a Technical Committee for the implementation of the resettlement agreement, to be composed of two representatives designated by the Government, two representatives designated by the uprooted population groups and two representatives of donors, cooperating bodies and international cooperating agencies. The latter representatives shall have consultative status. The Committee shall draw up its own rules of procedure.

6. For the purpose of ensuring implementation of the resettlement strategy, the Parties agree to establish a fund to implement the agreement on resettlement of population groups uprooted by armed conflict essentially with contributions from the international community. The United Nations Development Programme (UNDP) shall be asked to administer the funds of each of the projects to be executed.

Page 15; Agreement on the establishment of the Commission to clarify past human rights violations and acts of violence that have caused the Guatemalan population to suffer; Measures for prompt execution following the signing of this Agreement

The Parties agree to ask the Secretary-General to appoint the Moderator of the negotiations as a member of the Commission as soon as possible. When he is appointed, he shall be authorized to proceed forthwith to make all necessary arrangements to ensure that the Commission functions smoothly once it is established and installed in conformity with the provisions of this Agreement.

Page 17; Agreement on identity and rights of indigenous peoples; VI. RESOURCES

[...] International cooperation is essential to supplement national efforts with technical and financial resources, particularly in the context of the International Decade of the World's Indigenous People (1994-2004).

Page 12; Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in Democratic Society; IV. EXECUTIVE BRANCH; B. Public security; International cooperation

31. The Parties urge the international community to grant such technical and financial cooperation as is required for the immediate implementation of all measures that will lead to the modernization and professionalization of the public security system in Guatemala.

Page 20; Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society; VIII. FINAL PROVISIONS

First. - In accordance with the Framework Agreement, the Secretary-General of the United Nations is requested to ensure that this Agreement is carried out.

Page 25; Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca; IV. INSTITUTIONAL ARRANGEMENTS

Initial integration

55. This phase shall be financed with resources from the Guatemalan Government and contributions from the international community.

56. The Parties agree to create a Special Integration Commission, which shall consist of an equal number of representatives from the Government and URNG and, in a consultative capacity, representatives from donor and cooperating countries and international cooperation agencies.

57. The Commission shall be set up within 15 days following the signing of the Agreement on a Firm and Lasting Peace and the Government shall issue the corresponding government decree to that effect.

58. Once it is set up, the Commission shall be responsible for coordinating the integration programme, for taking decisions on the allocation of funding to its contingent subprogrammes and projects and for raising technical and financial resources. The Parties agree that the programme's execution shall conform to the objectives and principles of this Agreement.

59. In order to perform its functions, the Special Commission shall, by means of specific rules to be adopted no later than 30 days after it is set up, organize its responsibilities in the areas of coordination, financial management and decision-making with respect to subprogrammes and projects arising out of this Agreement. The Special Commission shall likewise identify in consultation with donor and cooperating countries and agencies, appropriate financial mechanisms, including the possibility of trust funds, to facilitate the flexible and effective implementation of the integration programme.

Definitive integration

60. Additional specific projects for URNG members shall be the responsibility of the Integration Foundation. URNG undertakes to set up that Foundation in the 90 days following the signing of the Agreement on a Firm and Lasting Peace. The Government undertakes to expedite the procedures for setting up the Foundation. The Parties call on international cooperation to provide technical and financial support to ensure the success of the definitive integration phase.

Page 15; Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; II. TIMETABLE FOR THE 90 DAYS FROM 15 JANUARY 1997; I. Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca; Rules of the Special Integration Commission

67. The Special Commission shall, by means of specific rules to be adopted no later than 30 days after it is set up, organize its responsibilities in the areas of coordination, financial management and decision-making with respect to subprogrammes and projects deriving from the Agreement on the Basis for the Legal Integration of URNG. The Special Commission shall likewise identify, in consultation with donor and cooperating countries and agencies, appropriate financial mechanisms, including the possibility of trust funds, to facilitate the flexible and effective implementation of the integration programme.

GENERAL AGREEMENT ON THE ESTABLISHMENT OF PEACE AND NATIONAL ACCORD IN TAJIKISTAN

Page 2; Protocol on the fundamental principles for establishing peace and national accord in Tajikistan of 17 August 1995 (annex I)

In this connection, the parties have agreed:
[...]

2. The general agreement referred to shall consist of separate protocols on the following groups of problems:

(a) Political problems, including a consultative forum of the peoples of Tajikistan, the functioning of all political parties and political movements and the participation of their representatives in the power structures, as well as the deepening of the democratization process in Tajik society;

Page 2; Protocol on political questions of 18 May 1997 (annex II)

3. The reform of the Government shall be carried out by incorporating representatives of the United Tajik Opposition into the structures of the executive branch, including ministries, departments, local government bodies and judicial and law-enforcement bodies on the basis of a quota. The candidates put forward shall be appointed in accordance with a proposal by the United Tajik Opposition following consultations between the President and the Chairman of the Commission on National Reconciliation.

Page 4-5; Protocol on the main functions and powers of the Commission on National Reconciliation of 23 December 1996 (annex IV)

ps_pol

Political Power-sharing

During the transition period the President and the Commission on National Reconciliation will exercise the following functions and powers:
[...]

Reform of the Government - inclusion of representatives of the opposition (the United Tajik Opposition) in the structures of executive authority, including ministries, departments, local authorities, judicial bodies and law enforcement agencies, in proportion to the representation of the parties in the Commission on National Reconciliation and taking into account the regional principle;

Page 2-4; Statute of the Commission on National Reconciliation, of 21 February 1997 (annex V), of 21 February 1997 (annex V)

II. COMPOSITION OF THE COMMISSION AND PROCEDURAL ASPECTS OF ITS ACTIVITY

4. The members of the Commission shall be appointed on a basis of parity by the Government of the Republic of Tajikistan and the United Tajik Opposition. The Commission shall comprise 26 members. It shall be headed by a Chairman, a representative of the United Tajik Opposition, who shall have one deputy, a representative of the Government of the Republic of Tajikistan (the individual membership of the Commission shall be announced 10 days before the Commission starts work). The leaders and members of the Commission shall work full-time, and may not be removed by the parties, except in circumstances which make it impossible for them to discharge their duties.

5. The Commission shall comprise four subcommissions:
[...]

The Commission shall have the right where necessary to disband or combine subcommissions or establish new ones. Each subcommission shall elect its chairman, with two subcommissions being headed by representatives of the Government and two by representatives of the United Tajik Opposition. The Commission shall where necessary create working bodies - expert groups, a

press service and others. The joint commissions established in the course of the inter-Tajik talks shall become working bodies of the Commission.

III. FUNCTIONS AND POWERS OF THE COMMISSION

7. The Commission shall have the following functions and powers:

[...]

During the transition period, the President and Commission on National Reconciliation will exercise the following functions and powers:

[...]

Reform of the Government - inclusion of representatives of the opposition (UTO) in the structures of executive authority (members of the government), including ministries, departments, local authorities, judicial bodies and law enforcement agencies, taking the regional principle into account;

Page 6; Additional Protocol to the Protocol on the main functions and powers of the Commission on National Reconciliation, of 21 February 1997 (annex VI)

In the light of the problems which have arisen in the negotiations, and in order to ensure that the Commission on National Reconciliation starts to function as quickly as possible, the President of the Republic of Tajikistan, E. S. Rakhmonov, and the leader of the United Tajik Opposition (UTO), S. A. Nuri, following their meeting in Mashhad in the Islamic Republic of Iran on 20 and 21 February 1997, have decided as follows:

1. The words "in proportion to the representation of the parties in the Commission on National Reconciliation" shall be omitted from the paragraph dealing with reform of the Government in the Protocol on the main functions and powers of the Commission on National Reconciliation dated 23 December 1996 (page 2).

2. Thirty per cent of positions in executive structures, including ministries, departments, local authorities, and judicial bodies and law-enforcement agencies, shall be assigned to representatives of UTO, the regional principle being taken into account.

Page 2-3; Protocol on the guarantees of implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan, of 28 May 1997 (annex IX)

[...]

1. The good will of the Government of the Republic of Tajikistan and the Leadership of the United Tajik Opposition (hereinafter referred to as the Parties) and their commitment to achieving peace and national accord in the country shall be considered as the most important guarantees of strict implementation of the General Agreement. In this context, the material guarantees shall be deemed to be the agreements laid down in the above-mentioned Protocols and Agreements, in particular, to establish the Commission on National Reconciliation with equal representation of the Parties and headed by a representative of UTO; to reserve for representatives of the Opposition (UTO) thirty (30) per cent of posts in the executive power structures and twenty-five (25) per cent of seats in the Central Electoral Commission; [...]

Page 2, Protocol on the fundamental principles for establishing peace and national accord in Tajikistan of 17 August 1995 (annex I)

2. The general agreement referred to shall consist of separate protocols on the following groups of problems:

[...]

(b) Military problems, including reforms of the governmental powerstructures, and the disbandment, disarmament and reintegration of the opposition's armed formations into the Government's armed forces or Tajikistan's civilian sector, in accordance with a timetable to be agreed upon at subsequent negotiations;

Page 4-6; Protocol on military issues (annex VII)

In order to achieve peace and national reconciliation and form unified national armed forces and in accordance with the Protocol on the Basic Principles for Establishing Peace and National Accord in Tajikistan of 17 August 1995, the Moscow Agreements and Protocol of 23 December 1996 and the Statute of the Commission on National Reconciliation of 21 February 1997, the delegations of the Government of the Republic of Tajikistan and the United Tajik Opposition (hereinafter referred to as the Parties) have agreed on the following fundamental military issues:

I. GENERAL PROVISIONS

1. The reintegration, disarmament and disbandment of the armed units of the United Tajik Opposition as well as the reform of the governmental power structures of the Republic of Tajikistan shall be carried out during the transition period by the President of the Republic of Tajikistan and the Commission on National Reconciliation in close cooperation with the United Nations Mission of Observers in Tajikistan (UNMOT) and in accordance with the timetable set forth in paragraphs 5, 9 and 11 of this Protocol.

2. The practical implementation of the provisions of this Protocol shall be carried out by a subcommission on military issues of the Commission on National Reconciliation and also by a joint central review board established on the basis of parity.

3. The Government and the United Tajik Opposition shall exchange the necessary information concerning the reintegration of the Opposition's military units and the reform of the power structures of the Government of the Republic of Tajikistan.

4. Armed units which are not included in the information provided by the Parties shall be obliged to make themselves known to the subcommission on military issues of the Commission on National Reconciliation and provide it with the necessary information within two months from the date on which the Commission begins work. Armed units which do not cooperate in carrying out the provisions of this Protocol shall be considered illegal and shall be subject to forcible disarmament.

II. THE REINTEGRATION, DISARMAMENT AND DISBANDMENT OF THE ARMED UNITS OF THE UNITED TAJIK OPPOSITION

5. The reintegration, disarmament and disbandment of the armed units of the United Tajik Opposition shall be carried out in stages.

[...]

(c) During the second stage, no later than one month after the assembling of the armed units of the United Tajik Opposition in the assembly points has been completed, those units shall be made into corresponding units of the regular armed forces of Tajikistan. They shall take the military oath and shall be given new uniforms, be assigned to the corresponding governmental power structures of Tajikistan in separate units and be subordinated to the corresponding chain of command. The relevant laws and military regulations of Tajikistan shall apply to them.

The leadership of the United Tajik Opposition shall publicly announce the disbandment of its armed units.

ps_mil

Military Power-sharing

(d) During the third stage, the Joint Review Board shall certify the personnel of the reintegrated units of the United Tajik Opposition, determining, on an individual basis, fitness for further military service and the nature of such service and shall also make recommendations for appointments to command positions. Persons who do not express the wish to continue service or who are found unfit for service for reasons of health or found to be incompetent and persons having a criminal record prior to May 1992 shall be demobilized and returned to civilian life.

(e) The measures provided for in the first, second and third stages of the reintegration of the armed units of the United Tajik Opposition into the power structures of the Government of Tajikistan shall be carried out within six months of the date on which the Commission on National Reconciliation begins its work.

(f) In the fourth stage of reintegration, the former units of the United Tajik Opposition will be completely merged with the governmental power structures. This process must be fully completed by the end of the transition period, i.e. before 1 July 1998.

Page 2; General Agreement on the Establishment of Peace and National Accord in Tajikistan;

The President of Tajikistan and the leader of the United Tajik Opposition have agreed that the signing of the present General Agreement marks the beginning of the phase of full and interconnected implementation of the agreements reached, which will put an end once and for all to the fratricidal conflict in Tajikistan, ensure mutual forgiveness and amnesty, [...]

Page 6; Protocol of Mutual Understanding between the President of Tajikistan, E. S. Rakhmonov and the leader of the United Tajik Opposition, S. A. Nuri, signed in Moscow on 27 June 1997, signed in Moscow on 27 June 1997

The President of Tajikistan, E. S. Rakhmonov, and the leader of the United Tajik Opposition, S. A. Nuri, held a separate meeting in Moscow on 27 June 1997, to discuss issues associated with the strengthening of confidence-building measures between the Parties in the interests of advancing the process of national reconciliation in Tajikistan.

As a result of the meeting, the following agreements were reached:

(1) To convene in Moscow by 7 July 1997 the first meeting of the Commission on National Reconciliation to discuss and transmit for consideration by the Parliament of Tajikistan the draft of the General Amnesty Act.

Page 2; Protocol on political questions of 18 May 1997 (annex II)

1. The President and the Commission on National Reconciliation shall adopt the reciprocal-pardon act as the first political decision to be taken during the initial days of the Commission's work. No later than one month after the adoption of the reciprocal-pardon act, the amnesty act shall be adopted.

Page 1; Agreement between the President of Tajikistan, Emomali Sharipovich Rakhmonov, and the leader of the United Tajik Opposition, Said Abdullo Nuri, on the results of the meeting held in Moscow on 23 December 1996 (annex III)

There is a need to implement a universal amnesty and reciprocal pardoning of persons who took part in the military and political confrontation from 1992 up to the time of adoption of the Amnesty Act;

Page 4; Statute of the Commission on National Reconciliation, of 21 February 1997 (annex V)

tj_amn

Amnesty

III. FUNCTIONS AND POWERS OF THE COMMISSION

7. The Commission shall have the following functions and powers:

[...]

During the transition period, the President and Commission on National Reconciliation will exercise the following functions and powers:

[...]

Adoption of a Reciprocal Pardon Act and drafting of an Amnesty Act to be adopted by the Parliament and the Commission on National Reconciliation;

Page 3; Protocol on the guarantees of implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan, of 28 May 1997 (annex IX)

1. The good will of the Government of the Republic of Tajikistan and the Leadership of the United Tajik Opposition (hereinafter referred to as the Parties) and their commitment to achieving peace and national accord in the country shall be considered as the most important guarantees of strict implementation of the General Agreement. In this context, the material guarantees shall be deemed to be the agreements laid down in the above-mentioned Protocols and Agreements, in particular, [...] to provide amnesty for persons who took part in the civil conflict and political confrontation [...]

Page 6; Protocol of Mutual Understanding between the President of Tajikistan, E. S. Rakhmonov and the leader of the United Tajik Opposition, S. A. Nuri, signed in Moscow on 27 June 1997, signed in Moscow on 27 June 1997

(2) In implementation of the provisions of the Bishkek Memorandum of 18 May 1997 (S/1997/385, annex II) regarding solution of the problems of exchanging prisoners of war and imprisoned persons as an act of goodwill, to exchange by 15 July 1997 50 prisoners of war and 50 imprisoned persons, including all those detained since February 1997;

Page 2; Agreement between the President of Tajikistan, Emomali Sharipovich Rakhmonov, and the leader of the United Tajik Opposition, Said Abdullo Nuri, on the results of the meeting held in Moscow on 23 December 1996 (annex III)

To conduct within the shortest possible time a full exchange of prisoners of war and other prisoners. [...];

tj_pri

Prisoner Release

Page 5; Protocol on the main functions and powers of the Commission on National Reconciliation of 23 December 1996 (annex IV)

During the transition period the President and the Commission on National Reconciliation will exercise the following functions and powers:

[...]

Monitoring of the conduct of a full exchange of prisoners of war, other prisoners and forcibly detained persons;

Page 4; Statute of the Commission on National Reconciliation, of 21 February 1997 (annex V)

III. FUNCTIONS AND POWERS OF THE COMMISSION

7. The Commission shall have the following functions and powers:

[...]

During the transition period, the President and Commission on National Reconciliation will exercise the following functions and powers:

[...]

Monitoring of the conduct of a full exchange of prisoners of war and other prisoners and the release of forcibly detained persons;

tj_hum	Human Rights	
tj_min	Indigenous & Minority Rights	
tj_wom	Women's Rights & Gender Issues	
tj_civ	Civil & Political Rights	
tj_esc	Economic, Social & Cultural Rights	
tj_vic	Victims & Reparations	
tj_ref	Refugees & Internally Displaced Persons	<p>Page 2; General Agreement on the Establishment of Peace and National Accord in Tajikistan;</p> <p>The President of Tajikistan and the leader of the United Tajik Opposition have agreed that the signing of the present General Agreement marks the beginning of the phase of full and interconnected implementation of the agreements reached, which will put an end once and for all to the fratricidal conflict in Tajikistan, ensure mutual forgiveness and amnesty, return the refugees to their homes, [...]</p> <p>Page 2-3; Protocol on the fundamental principles for establishing peace and national accord in Tajikistan of 17 August 1995 (annex I)</p> <p>In this connection, the parties have agreed: [...] 2. The general agreement referred to shall consist of separate protocols on the following groups of problems: [...]</p>

(c) The voluntary, safe and dignified repatriation and reintegration of refugees, including legal, economic and social guarantees for their protection;
[...]

Page 4; Protocol on the main functions and powers of the Commission on National Reconciliation of 23 December 1996 (annex IV)

For these purposes, the Commission is assigned the tasks of:
[...]

Implementing measures for the safe and appropriate return of the refugees, their active involvement in the social, political and economic life of the country and the provision of assistance in reconstruction of the housing and industrial and agricultural facilities destroyed by the war;

Page 3; Statute of the Commission on National Reconciliation, of 21 February 1997 (annex V)

II. COMPOSITION OF THE COMMISSION AND PROCEDURAL ASPECTS OF ITS ACTIVITY

5. The Commission shall comprise four subcommissions:

[...]

(c) On refugee issues;

III. FUNCTIONS AND POWERS OF THE COMMISSION

7. The Commission shall have the following functions and powers:

[...]

Implementing measures for the safe and appropriate return of the refugees and their active involvement in the social, political and economic life of the country, and provision of assistance in reconstruction of the housing and industrial and agricultural facilities destroyed by the war;

Page 9-10; Protocol on refugees of 13 January 1997 (annex VIII)

With a view to overcoming the consequences of the civil war and achieving peace and national accord in the country, and in accordance with the protocol on the fundamental principles for establishing peace and national accord in Tajikistan of 17 August 1995, the joint statement on the results of the fourth round of inter-Tajik talks in Almaty and the appeal by the President of the Republic of Tajikistan, Mr. Emomali S. Rakhmonov, and the leader of the United Tajik Opposition, Mr. S. Abdullo Nuri, to their fellow countrymen who had been forced to leave the country, adopted in Moscow on 23 December 1996, the delegations of the Republic of Tajikistan and the United Tajik Opposition (hereinafter referred to as "the Parties"), have agreed as follows:

1. To step up mutual efforts to ensure the voluntary return, in safety and dignity, of all refugees and displaced persons to their homes, and to complete this process within 12 to 18 months from the date of signature of this Protocol. With a view to ensuring their safety, honour and dignity, the Parties also call upon the United Nations, the Organization for Security and Cooperation in Europe (OSCE) and the Office of the United Nations High Commissioner for Refugees (UNHCR) to provide assistance in order to ensure the safety of returning refugees and displaced persons and to establish and expand their presence at places where such persons are living.

2. The Government of the Republic of Tajikistan assumes the obligation to reintegrate returning refugees and displaced persons into the social and economic life of the country, which includes the provision to them of humanitarian and financial aid, assistance in finding employment and housing and the restoration of all their rights as citizens of the Republic of Tajikistan (including the return to them of dwellings and property and guaranteed uninterrupted service), and not to institute criminal proceedings against returning refugees or displaced persons for their participation in the political

confrontation and the civil war, in accordance with the legislative acts in force in the Republic.

3. The Parties have decided to resume the work of the Joint Commission on problems relating to refugees and, within one month from the date of signature of this Protocol, with the assistance of UNHCR, to draw up a statute of the Commission.

4. The Parties have decided to instruct the Joint Commission, with the participation of representatives of local hukumats (executive committees) and the United Tajik Opposition for the period during which this Protocol is being implemented, to visit on a regular basis, in accordance with a separate timetable, refugee camps in the Islamic Republic of Afghanistan, places in the Commonwealth of Independent States (CIS) where there are concentrations of refugees and districts in the Republic of Tajikistan to which refugees and displaced persons intend to return. Similar visits shall be organized by the Joint Commission to places where displaced persons live in large numbers. The above-mentioned timetable shall be agreed by the Joint Commission within one month from the date of signature of this Protocol.

5. The Parties appeal to the Governments of the CIS States to consider issuing temporary identity documents to refugees from Tajikistan and to assist UNHCR in carrying out additional measures to ensure the safety of refugees and to defend their honor and dignity.

6. The Parties express their sincere gratitude to the United Nations, UNHCR, OSCE, donor countries and the Aga Khan Foundation for their assistance and at the same time make an urgent appeal to them and to the International Monetary Fund, the World Bank, the European Development Bank, the Islamic Bank and the Aga Khan Foundation to provide additional and substantial financial and material support to refugees and displaced persons and to the Joint Commission on problems relating to refugees, and also for the purpose of rehabilitating the national economy destroyed by the war and improving the well-being of the population.

Page 3; Protocol on the guarantees of implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan, of 28 May 1997 (annex IX)

1. The good will of the Government of the Republic of Tajikistan and the Leadership of the United Tajik Opposition (hereinafter referred to as the Parties) and their commitment to achieving peace and national accord in the country shall be considered as the most important guarantees of strict implementation of the General Agreement. In this context, the material guarantees shall be deemed to be the agreements laid down in the above-mentioned Protocols and Agreements, in particular, [...] to ensure the voluntary return, in safety and dignity, of all refugees and displaced persons to their homes; [...]

Page 1; Agreement between the President of Tajikistan, Emomali Sharipovich Rakhmonov, and the leader of the United Tajik Opposition, Said Abdullo Nuri, on the results of the meeting held in Moscow on 23 December 1996 (annex III)

Bearing in mind that the signature of the present Agreement marks the beginning of a qualitatively new phase in the attainment of peace and national accord, they have taken the policy decision to establish for the above-mentioned transition period a Commission on National Reconciliation. A representative of the Tajik opposition will serve as Chairman of the Commission. The delegations to the talks are instructed to determine in the course of the next round, which is to begin in Tehran on 5 January 1997, the quantitative and personal composition of the Commission and its specific functions and powers;

Page 4-5; Protocol on the main functions and powers of the Commission on National Reconciliation of 23 December 1996 (annex IV)

tj_tru

Truth &
Reconciliation
Commission

In connection with the beginning of a qualitatively new phase in the attainment of peace and national accord in Tajikistan and in accordance with the Agreement between the President of the Republic of Tajikistan, E. S. Rakhmonov, and the leader of the United Tajik Opposition, S. A. Nuri, the parties have taken the decision to establish for the transition period a Commission on National Reconciliation.

The main purposes of the Commission are the attainment of national reconciliation through the implementation of the agreements reached in the course of the inter-Tajik talks, the creation of an atmosphere of trust and mutual forgiveness, and the institution of a broad dialogue among the various political forces in the country in the interests of the restoration and strengthening of civil accord in Tajikistan.

For these purposes, the Commission is assigned the tasks of:

Devising a monitoring mechanism and monitoring compliance by the Parties with the agreements on the establishment of peace and national accord in the country jointly with the other organs established for that purpose;

Implementing measures for the safe and appropriate return of the refugees, their active involvement in the social, political and economic life of the country and the provision of assistance in reconstruction of the housing and industrial and agricultural facilities destroyed by the war;

Developing proposals for amending the legislation on the functioning of political parties and movements and the mass media.

During the transition period the President and the Commission on National Reconciliation will exercise the following functions and powers:

[...]

Adoption of a Reciprocal Pardon Act and drafting of an Amnesty Act to be adopted by Parliament and the Commission on National Reconciliation;

[...]

Decisions adopted by the President and the Commission regarding issues of national reconciliation shall be binding on the authorities.

The activities of the Commission on National Reconciliation shall be conducted in close cooperation with the United Nations Mission of Observers and the OSCE Mission in Tajikistan.

The Commission on National Reconciliation shall cease its activities after the convening of the new Parliament and the establishment of its authorities.

Page 2-5; Statute of the Commission on National Reconciliation, of 21 February 1997 (annex V)

I. GENERAL PROVISIONS

1. The President of the Republic of Tajikistan, E. S. Rakhmonov, and the leader of the United Tajik Opposition, S. A. Nuri, guided by the highest interests of the peoples of Tajikistan for the purpose of achieving a stable peace and national accord in the country, have adopted a political decision to establish a Commission on National Reconciliation (hereinafter referred to as the Commission), signing an Agreement and a Protocol in Moscow on 23 December 1996.

2. The purview of the Commission includes the whole range of problems associated with national reconciliation. Its tasks shall be to implement the agreements reached in the course of the inter-Tajik talks, to promote the creation of an atmosphere of trust and mutual forgiveness and to institute a broad dialogue among the various political forces in the country with a view to restoring and strengthening civil accord in Tajikistan.

3. The Commission is a temporary body, established for the transition period. It shall cease its activity after the convening of the new Parliament and the formation of its leadership structures. The Commission on National

Reconciliation shall begin its work two weeks after the signing of the Protocols on military and political issues.

[...]

III. FUNCTIONS AND POWERS OF THE COMMISSION

7. The Commission shall have the following functions and powers:

Devising a monitoring mechanism and monitoring compliance by the parties with the agreements on the establishment of peace and national accord in the country jointly with the other organs established for that purpose;

Implementing measures for the safe and appropriate return of the refugees and their active involvement in the social, political and economic life of the country, and provision of assistance in reconstruction of the housing and industrial and agricultural facilities destroyed by the war;

Developing proposals for amending the legislation on the functioning of political parties and movements and the mass media.

During the transition period, the President and Commission on National Reconciliation will exercise the following functions and powers:

[...]

Adoption of a Reciprocal Pardon Act and drafting of an Amnesty Act to be adopted by the Parliament and the Commission on National Reconciliation;

[...]

VII. PROCEDURE FOR PUBLICIZING THE WORK OF THE COMMISSION

11. For purposes of facilitating the process of national reconciliation and creating an atmosphere of trust and mutual understanding, the press service of the Commission shall conduct press conferences and briefings and issue press releases and bulletins. The mass media of the Government of the Republic of Tajikistan and the United Tajik Opposition shall regularly publicize the work of the Commission.

Page 2-3; Protocol on the guarantees of implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan, of 28 May 1997 (annex IX)

1. The good will of the Government of the Republic of Tajikistan and the Leadership of the United Tajik Opposition (hereinafter referred to as the Parties) and their commitment to achieving peace and national accord in the country shall be considered as the most important guarantees of strict implementation of the General Agreement. In this context, the material guarantees shall be deemed to be the agreements laid down in the above-mentioned Protocols and Agreements, in particular, to establish the Commission on National Reconciliation with equal representation of the Parties and headed by a representative of UTO; [...]

Page 5; Protocol on the main functions and powers of the Commission on National Reconciliation of 23 December 1996 (annex IV)

The main purposes of the Commission are the attainment of national reconciliation through the implementation of the agreements reached in the course of the inter-Tajik talks, the creation of an atmosphere of trust and mutual forgiveness, and the institution of a broad dialogue among the various political forces in the country in the interests of the restoration and strengthening of civil accord in Tajikistan.

[...]

Decisions adopted by the President and the Commission regarding issues of national reconciliation shall be binding on the authorities.

Page 2-5; Statute of the Commission on National Reconciliation, of 21 February 1997 (annex V)

tj_rec

Reconciliation

I. GENERAL PROVISIONS

1. The President of the Republic of Tajikistan, E. S. Rakhmonov, and the leader of the United Tajik Opposition, S. A. Nuri, guided by the highest interests of the peoples of Tajikistan for the purpose of achieving a stable peace and national accord in the country, have adopted a political decision to establish a Commission on National Reconciliation (hereinafter referred to as the Commission), signing an Agreement and a Protocol in Moscow on 23 December 1996.

2. The purview of the Commission includes the whole range of problems associated with national reconciliation. Its tasks shall be to implement the agreements reached in the course of the inter-Tajik talks, to promote the creation of an atmosphere of trust and mutual forgiveness and to institute a broad dialogue among the various political forces in the country with a view to restoring and strengthening civil accord in Tajikistan.

[...]

VII. PROCEDURE FOR PUBLICIZING THE WORK OF THE COMMISSION

11. For purposes of facilitating the process of national reconciliation and creating an atmosphere of trust and mutual understanding, the press service of the Commission shall conduct press conferences and briefings and issue press releases and bulletins. The mass media of the Government of the Republic of Tajikistan and the United Tajik Opposition shall regularly publicize the work of the Commission.

tj_pro

Protection
Measures

Page 3; General Agreement on the Establishment of Peace and National Accord in Tajikistan

[...] The highest national priorities of the country are peace and the national unity of all nationals of Tajikistan, regardless of their ethnic origin, political orientation, religion or regional affiliation.

Page 2; Protocol on the fundamental principles for establishing peace and national accord in Tajikistan of 17 August 1995 (annex I)

2. 2. The general agreement referred to shall consist of separate protocols on the following groups of problems:

[...]

c. The voluntary, safe and dignified repatriation and reintegration of refugees, including legal, economic and social guarantees for their protection;

tr_con

Constitutional
Reform

Page 4; Protocol on the main functions and powers of the Commission on National Reconciliation of 23 December 1996 (annex IV)

During the transition period the President and the Commission on National Reconciliation will exercise the following functions and powers:

Submission to a nationwide referendum of proposals for amendments and additions to the existing Constitution;

Page 3; Statute of the Commission on National Reconciliation, of 21 February 1997 (annex V)

III. FUNCTIONS AND POWERS OF THE COMMISSION

7. The Commission shall have the following functions and powers:

[...]

During the transition period, the President and Commission on National Reconciliation will exercise the following functions and powers:

Submission to a nationwide referendum of proposals for amendments and additions to the existing Constitution;

tr_leg	Legislative Branch Reform	
tr_exe	Executive Branch Reform	<p>Page 2; Protocol on political questions of 18 May 1997 (annex II)</p> <p>3. The reform of the Government shall be carried out by incorporating representatives of the United Tajik Opposition into the structures of the executive branch, including ministries, departments, local government bodies and judicial and law-enforcement bodies on the basis of a quota. The candidates put forward shall be appointed in accordance with a proposal by the United Tajik Opposition following consultations between the President and the Chairman of the Commission on National Reconciliation.</p> <p>Page 3-4; Statute of the Commission on National Reconciliation, of 21 February 1997 (annex V)</p> <p>III. FUNCTIONS AND POWERS OF THE COMMISSION</p> <p>7. The Commission shall have the following functions and powers: [...]</p> <p>During the transition period, the President and Commission on National Reconciliation will exercise the following functions and powers: [...]</p> <p>Reform of the Government – inclusion of representatives of the opposition (UTO) in the structures of executive authority (members of the government), including ministries, departments, local authorities, judicial bodies and law enforcement agencies, taking the regional principle into account.</p> <p>Page 6; Additional Protocol to the Protocol on the main functions and powers of the Commission on National Reconciliation, of 21 February 1997 (annex VI)</p> <p>2. Thirty per cent of positions in executive structures, including ministries, departments, local authorities, and judicial bodies and law enforcement agencies, shall be assigned to representatives of UTO, the regional principle being taken into account.</p>
tr_jud	Judiciary Reform	
tr_adm	Public Administration Reform	
tr_mil	Military Reform	<p>Page 2; Protocol on the fundamental principles for establishing peace and national accord in Tajikistan of 17 August 1995 (annex I)</p> <p>In this connection, the parties have agreed: [...]</p> <p>2. The general agreement referred to shall consist of separate protocols on the following groups of problems: [...]</p>

(b) Military problems, including reforms of the governmental power structures, and the disbandment, disarmament and reintegration of the opposition's armed formations into the Government's armed forces or Tajikistan's civilian sector, in accordance with a timetable to be agreed upon at subsequent negotiations;

Page 4-6; Protocol on military issues (annex VII)

In order to achieve peace and national reconciliation and form unified national armed forces and in accordance with the Protocol on the Basic Principles for Establishing Peace and National Accord in Tajikistan of 17 August 1995, the Moscow Agreements and Protocol of 23 December 1996 and the Statute of the Commission on National Reconciliation of 21 February 1997, the delegations of the Government of the Republic of Tajikistan and the United Tajik Opposition (hereinafter referred to as the Parties) have agreed on the following fundamental military issues:

I. GENERAL PROVISIONS

1. The reintegration, disarmament and disbandment of the armed units of the United Tajik Opposition as well as the reform of the governmental power structures of the Republic of Tajikistan shall be carried out during the transition period by the President of the Republic of Tajikistan and the Commission on National Reconciliation in close cooperation with the United Nations Mission of Observers in Tajikistan (UNMOT) and in accordance with the timetable set forth in paragraphs 5, 9 and 11 of this Protocol.

2. The practical implementation of the provisions of this Protocol shall be carried out by a subcommission on military issues of the Commission on National Reconciliation and also by a joint central review board established on the basis of parity.

3. The Government and the United Tajik Opposition shall exchange the necessary information concerning the reintegration of the Opposition's military units and the reform of the power structures of the Government of the Republic of Tajikistan.

4. Armed units which are not included in the information provided by the Parties shall be obliged to make themselves known to the subcommission on military issues of the Commission on National Reconciliation and provide it with the necessary information within two months from the date on which the Commission begins work. Armed units which do not cooperate in carrying out the provisions of this Protocol shall be considered illegal and shall be subject to forcible disarmament.

II. THE REINTEGRATION, DISARMAMENT AND DISBANDMENT OF THE ARMED UNITS OF THE UNITED TAJIK OPPOSITION

5. The reintegration, disarmament and disbandment of the armed units of the United Tajik Opposition shall be carried out in stages.
[...]

(c) During the second stage, no later than one month after the assembling of the armed units of the United Tajik Opposition in the assembly points has been completed, those units shall be made into corresponding units of the regular armed forces of Tajikistan. They shall take the military oath and shall be given new uniforms, be assigned to the corresponding governmental power structures of Tajikistan in separate units and be subordinated to the corresponding chain of command. The relevant laws and military regulations of Tajikistan shall apply to them.

The leadership of the United Tajik Opposition shall publicly announce the disbandment of its armed units.

(d) During the third stage, the Joint Review Board shall certify the personnel of the reintegrated units of the United Tajik Opposition, determining, on an individual basis, fitness for further military service and the nature of such service and shall also make recommendations for appointments to command positions. Persons who do not express the wish to continue service or who are found unfit for service for reasons of health or found to be incompetent and

persons having a criminal record prior to May 1992 shall be demobilized and returned to civilian life.

(e) The measures provided for in the first, second and third stages of the reintegration of the armed units of the United Tajik Opposition into the power structures of the Government of Tajikistan shall be carried out within six months of the date on which the Commission on National Reconciliation begins its work.

(f) In the fourth stage of reintegration, the former units of the United Tajik Opposition will be completely merged with the governmental power structures. This process must be fully completed by the end of the transition period, i.e. before 1 July 1998.

II. THE REINTEGRATION, DISARMAMENT AND DISBANDMENT OF THE ARMED UNITS OF THE UNITED TAJIK OPPOSITION:

6. The reintegrated units of the United Tajik Opposition shall be sent to their places of permanent assignment and quartered in separate barracks. A separate unit, the strength of which shall be determined by the President of Tajikistan and the United Tajik Opposition, shall be stationed in Dushanbe a week before the Commission on National Reconciliation begins its work.

7. Former members of the governmental power structures who were compelled to quit their posts because of the civil conflict and have expressed the wish to continue their service shall on the recommendation of the Joint Review Board be reinstated into their former or equivalent positions.

8. Persons who were members of the armed units of the United Tajik Opposition and have expressed the wish to receive military training shall be afforded equally with other nationals of Tajikistan the possibility of attending the relevant training institutions.

tr_pol Police Reform

tr_edu Education Reform

Page 2; Protocol on political questions of 18 May 1997 (annex II)

4. The bans and restrictions on activities by the political parties and movements of the United Tajik Opposition and the mass information media shall be lifted by the authorities of Tajikistan after the completion of the second phase of the implementation of the Protocol on Military Questions.

Page 4; Protocol on the main functions and powers of the Commission on National Reconciliation of 23 December 1996 (annex IV)

tr_med Media Reform

For these purposes, the Commission is assigned the tasks of:
[...]

Developing proposals for amending the legislation on the functioning of political parties and movements and the mass media.

Page 3-5; Statute of the Commission on National Reconciliation, of 21 February 1997 (annex V)

III. FUNCTIONS AND POWERS OF THE COMMISSION

7. The Commission shall have the following functions and powers:

[...]

Developing proposals for amending the legislation on the functioning of political parties and movements and the mass media.

VII. PROCEDURE FOR PUBLICIZING THE WORK OF THE COMMISSION

11. For purposes of facilitating the process of national reconciliation and creating an atmosphere of trust and mutual understanding, the press service of the Commission shall conduct press conferences and briefings and issue press releases and bulletins. The mass media of the Government of the Republic of Tajikistan and the United Tajik Opposition shall regularly publicize the work of the Commission.

Page 2-3; Protocol on the guarantees of implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan, of 28 May 1997 (annex IX)

[...]

1. The good will of the Government of the Republic of Tajikistan and the Leadership of the United Tajik Opposition (hereinafter referred to as the Parties) and their commitment to achieving peace and national accord in the country shall be considered as the most important guarantees of strict implementation of the General Agreement. In this context, the material guarantees shall be deemed to be the agreements laid down in the above-mentioned Protocols and Agreements, in particular, [...] as well as to lift the bans and limitations on the activities of political parties and movements that are part of UTO and on the mass media which shall function within the framework of the Constitution and effective laws of the Republic of Tajikistan, and in accordance with the norms and guarantees established in the General Agreement.

Page 2; Protocol on the fundamental principles for establishing peace and national accord in Tajikistan of 17 August 1995 (annex I)

2. The general agreement referred to shall consist of separate protocols on the following groups of problems:

[...]

(b) Military problems, including reforms of the governmental power structures, and the disbandment, disarmament and reintegration of the opposition's armed formations into the Government's armed forces or Tajikistan's civilian sector, in accordance with a timetable to be agreed upon at subsequent negotiations;

Page 4; Protocol on the main functions and powers of the Commission on National Reconciliation of 23 December 1996 (annex IV)

During the transition period the President and the Commission on National Reconciliation will exercise the following functions and powers:

Guidance and monitoring of the disbandment, disarmament and reintegration of the armed units of the opposition, and conduct of activities to reform the authorities responsible for the maintenance of law and order and the agencies of the Office of the Public Prosecutor;

Page 4; Statute of the Commission on National Reconciliation, of 21 February 1997 (annex V)

III. FUNCTIONS AND POWERS OF THE COMMISSION

7. The Commission shall have the following functions and powers:

[...]

During the transition period, the President and Commission on National Reconciliation will exercise the following functions and powers:

[...]

tr_ddd

Demobilization,
Disarmament &
Reintegration

Guidance and monitoring of the disbandment, disarming and reintegration of the armed units of the opposition armed forces and conduct of activities to reform the authorities responsible for the maintenance of law and order and the agencies of the Office of the Public Prosecutor;

Page 6; Additional Protocol to the Protocol on the main functions and powers of the Commission on National Reconciliation, of 21 February 1997 (annex VI)

3. The phrase "development of a mechanism for converting the military-political movements into political parties" in the Protocol on the main functions and powers of the Commission on National Reconciliation dated 23 December 1996 shall be deemed null and void from the date of signing of the Protocol on Military Issues, since this matter will be discussed under the heading of military issues.

Page 4-7; Protocol on military issues (annex VII)

I. GENERAL PROVISIONS

1. The reintegration, disarmament and disbandment of the armed units of the United Tajik Opposition as well as the reform of the governmental power structures of the Republic of Tajikistan shall be carried out during the transition period by the President of the Republic of Tajikistan and the Commission on National Reconciliation in close cooperation with the United Nations Mission of Observers in Tajikistan (UNMOT) and in accordance with the timetable set forth in paragraphs 5, 9 and 11 of this Protocol.

2. The practical implementation of the provisions of this Protocol shall be carried out by a subcommission on military issues of the Commission on National Reconciliation and also by a joint central review board established on the basis of parity.

3. The Government and the United Tajik Opposition shall exchange the necessary information concerning the reintegration of the Opposition's military units and the reform of the power structures of the Government of the Republic of Tajikistan.

4. Armed units which are not included in the information provided by the Parties shall be obliged to make themselves known to the subcommission on military issues of the Commission on National Reconciliation and provide it with the necessary information within two months from the date on which the Commission begins work. Armed units which do not cooperate in carrying out the provisions of this Protocol shall be considered illegal and shall be subject to forcible disarmament.

II. THE REINTEGRATION, DISARMAMENT AND DISBANDMENT OF THE ARMED UNITS OF THE UNITED TAJIK OPPOSITION

5. The reintegration, disarmament and disbandment of the armed units of the United Tajik Opposition shall be carried out in stages.

(a) During the first stage, the United Tajik Opposition shall assemble its armed units in the assembly points agreed upon by the Parties in the Vanj, Garm, Jirgatal, Komsomolabad, Kofaringan, Rushan, Tavildara and Tajikabad districts and the towns of Khorog and Magmurud in the Lenin district, where personnel shall be registered and counted and given medical examinations. At the assembly points, an inventory shall be taken of weapons, military equipment and ammunition, which shall be stored in separate, securely guarded premises. This stage shall be carried out within two months of the date on which the Commission on National Reconciliation begins its work.

(b) During this stage, the armed units of the United Tajik Opposition situated in the territory of the Islamic State of Afghanistan, shall be transferred in stages to the territory of Tajikistan to previously determined assembly points from among those specified above through the Ishkashim and Nizhny Pyanj passage points. The armed units of the United Tajik Opposition shall cross the border without weapons or ammunition. With the consent of the Afghan authorities, the subcommission on military issues of the Commission on

National Reconciliation and UNMOT shall travel to the Islamic State of Afghanistan and draw up a register of the weapons and ammunition. The collective peacekeeping forces of the Commonwealth of Independent States (CIS) shall, under the supervision of UNMOT, accompany the personnel, weapons and ammunition to the assembly points, where the weapons and ammunition on the register shall be stored in separate, guarded premises. The base camps and training centres of the armed units of the United Tajik Opposition situated outside Tajikistan shall be dismantled and closed simultaneously with the transfer of the units referred to to the assembly points in the territory of Tajikistan.

(c) During the second stage, no later than one month after the assembling of the armed units of the United Tajik Opposition in the assembly points has been completed, those units shall be made into corresponding units of the regular armed forces of Tajikistan. They shall take the military oath and shall be given new uniforms, be assigned to the corresponding governmental power structures of Tajikistan in separate units and be subordinated to the corresponding chain of command. The relevant laws and military regulations of Tajikistan shall apply to them.

The leadership of the United Tajik Opposition shall publicly announce the disbandment of its armed units.

(d) During the third stage, the Joint Review Board shall certify the personnel of the reintegrated units of the United Tajik Opposition, determining, on an individual basis, fitness for further military service and the nature of such service and shall also make recommendations for appointments to command positions. Persons who do not express the wish to continue service or who are found unfit for service for reasons of health or found to be incompetent and persons having a criminal record prior to May 1992 shall be demobilized and returned to civilian life.

(e) The measures provided for in the first, second and third stages of the reintegration of the armed units of the United Tajik Opposition into the power structures of the Government of Tajikistan shall be carried out within six months of the date on which the Commission on National Reconciliation begins its work.

(f) In the fourth stage of reintegration, the former units of the United Tajik Opposition will be completely merged with the governmental power structures. This process must be fully completed by the end of the transition period, i.e. before 1 July 1998.

[...]

III. REFORM OF THE POWER STRUCTURES OF THE GOVERNMENT OF TAJIKISTAN

9. The reform of the power structures of the Government of Tajikistan shall take place on the basis of a re-evaluation of the personnel, including command personnel. This shall be conducted by the Joint Central Review Board within six months from the time when the Commission on National Reconciliation begins its work.

10. The Joint Central Review Board shall take its decisions on assignment to reserve status and reintegration into civilian life on the basis of three criteria: state of health, record of convictions prior to May 1992 and acknowledged professional unfitness.

11. Units formed by local authorities during the civil conflict (as civil defence forces, guard units, unsupervised formations, etc.) shall be disbanded within six months from the time when the Commission on National Reconciliation begins its work, and the formation of new units shall be halted. Persons expressing the wish to continue their service shall be integrated into the power structures of the Government of Tajikistan in accordance with the principles and procedures specified in paragraph 5 of the present Protocol. Members of these units not expressing the desire to continue their service, possessing a record of convictions prior to May 1992 or unfit for service on grounds of health shall be disarmed and reintegrated into civilian life.

IV. CONFIDENCE-BUILDING MEASURES

12. While the measures provided for in the present Protocol are being implemented, the Government of Tajikistan and the United Tajik Opposition shall comply strictly with the provisions of the Tehran agreement and prevent any attempts to destabilize the situation in Tajikistan. At all stages of the reintegration of the armed formations of the United Tajik Opposition and the reform of the governmental power structures, joint measures shall be taken to combat crime in the country. For purposes of building mutual trust during the first, second and third stages of reintegration, constant contacts shall be established and maintained at the level of unit commanders, contacts among personnel shall be organized and special measures for joint training shall be conducted.

Page 2-3; Protocol on the guarantees of implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan, of 28 May 1997 (annex IX)

[...]

1. The good will of the Government of the Republic of Tajikistan and the Leadership of the United Tajik Opposition (hereinafter referred to as the Parties) and their commitment to achieving peace and national accord in the country shall be considered as the most important guarantees of strict implementation of the General Agreement. In this context, the material guarantees shall be deemed to be the agreements laid down in the above-mentioned Protocols and Agreements, in particular, [...] to carry out the reintegration, disarmament and disbanding of the UTO armed units, as well as the reform of the power structures of the Republic of Tajikistan; [...]

Page 3; Protocol on the fundamental principles for establishing peace and national accord in Tajikistan of 17 August 1995 (annex I)

In this connection, the parties have agreed:

[...]

4. Acting in the spirit of this Protocol and with a view to creating the necessary conditions for conducting further negotiations, the parties have agreed to extend the period of validity of the Agreement on a Temporary Cease- Fire and the Cessation of Other Hostilities on the Tajik-Afghan Border and within the Country for the next six months until 26 February 1996.

Page 2; Agreement between the President of Tajikistan, Emomali Sharipovich Rakhmonov, and the leader of the United Tajik Opposition, Said Abdullo Nuri, on the results of the meeting held in Moscow on 23 December 1996 (annex III)

Bearing in mind that the signature of the present Agreement marks the beginning of a qualitatively new phase in the attainment of peace and national accord, they have taken the policy decision to establish for the above-mentioned transition period a Commission on National Reconciliation. A representative of the Tajik opposition will serve as Chairman of the Commission. The delegations to the talks are instructed to determine in the course of the next round, which is to begin in Tehran on 5 January 1997, the quantitative and personal composition of the Commission and its specific functions and powers;

[...]

For the purposes of establishing peace in the country, they have given instructions to the delegations to the talks to conclude them by 1 July 1997 through the signature of the documents provided for in the Protocol on the fundamental principles for establishing peace and national accord in Tajikistan of 17 August 1995.

[...]

The inter-Tajik talks and the implementation of the agreements reached during them must be completed within 12 to 18 months from the date of signature of the present Agreement;

Page 4-6; Protocol on military issues (annex VII)

tr_tim

Transitional
Timeline

II. THE REINTEGRATION, DISARMAMENT AND DISBANDMENT OF THE ARMED UNITS OF THE UNITED TAJIK OPPOSITION

5. The reintegration, disarmament and disbandment of the armed units of the United Tajik Opposition shall be carried out in stages.

(a) During the first stage, the United Tajik Opposition shall assemble its armed units in the assembly points agreed upon by the Parties in the Vanj, Garm, Jirgatal, Komsomolabad, Kofaringan, Rushan, Tavildara and Tajikabad districts and the towns of Khorog and Magmurud in the Lenin district, where personnel shall be registered and counted and given medical examinations. At the assembly points, an inventory shall be taken of weapons, military equipment and ammunition, which shall be stored in separate, securely guarded premises. This stage shall be carried out within two months of the date on which the Commission on National Reconciliation begins its work.

(b) During this stage, the armed units of the United Tajik Opposition situated in the territory of the Islamic State of Afghanistan, shall be transferred in stages to the territory of Tajikistan to previously determined assembly points from among those specified above through the Ishkashim and Nizhny Pyanj passage points. The armed units of the United Tajik Opposition shall cross the border without weapons or ammunition. With the consent of the Afghan authorities, the subcommission on military issues of the Commission on National Reconciliation and UNMOT shall travel to the Islamic State of Afghanistan and draw up a register of the weapons and ammunition. The collective peacekeeping forces of the Commonwealth of Independent States (CIS) shall, under the supervision of UNMOT, accompany the personnel, weapons and ammunition to the assembly points, where the weapons and ammunition on the register shall be stored in separate, guarded premises. The base camps and training centres of the armed units of the United Tajik Opposition situated outside Tajikistan shall be dismantled and closed simultaneously with the transfer of the units referred to the assembly points in the territory of Tajikistan.

(c) During the second stage, no later than one month after the assembling of the armed units of the United Tajik Opposition in the assembly points has been completed, those units shall be made into corresponding units of the regular armed forces of Tajikistan. They shall take the military oath and shall be given new uniforms, be assigned to the corresponding governmental power structures of Tajikistan in separate units and be subordinated to the corresponding chain of command. The relevant laws and military regulations of Tajikistan shall apply to them.

The leadership of the United Tajik Opposition shall publicly announce the disbandment of its armed units.

(d) During the third stage, the Joint Review Board shall certify the personnel of the reintegrated units of the United Tajik Opposition, determining, on an individual basis, fitness for further military service and the nature of such service and shall also make recommendations for appointments to command positions. Persons who do not express the wish to continue service or who are found unfit for service for reasons of health or found to be incompetent and persons having a criminal record prior to May 1992 shall be demobilized and returned to civilian life.

(e) The measures provided for in the first, second and third stages of the reintegration of the armed units of the United Tajik Opposition into the power structures of the Government of Tajikistan shall be carried out within six months of the date on which the Commission on National Reconciliation begins its work.

(f) In the fourth stage of reintegration, the former units of the United Tajik Opposition will be completely merged with the governmental power structures. This process must be fully completed by the end of the transition period, i.e. before 1 July 1998.

[...]

III. REFORM OF THE POWER STRUCTURES OF THE GOVERNMENT OF TAJIKISTAN

9. The reform of the power structures of the Government of Tajikistan shall take place on the basis of a re-evaluation of the personnel, including command personnel. This shall be conducted by the Joint Central Review Board within six months from the time when the Commission on National Reconciliation begins its work.

Page 9-10; Protocol on refugees of 13 January 1997 (annex VIII)

3. The Parties have decided to resume the work of the Joint Commission on problems relating to refugees and, within one month from the date of signature of this Protocol, with the assistance of UNHCR, to draw up a statute of the Commission.

4. The Parties have decided to instruct the Joint Commission, with the participation of representatives of local hukumats (executive committees) and the United Tajik Opposition for the period during which this Protocol is being implemented, to visit on a regular basis, in accordance with a separate timetable, refugee camps in the Islamic Republic of Afghanistan, places in the Commonwealth of Independent States (CIS) where there are concentrations of refugees and districts in the Republic of Tajikistan to which refugees and displaced persons intend to return. Similar visits shall be organized by the Joint Commission to places where displaced persons live in large numbers. The above-mentioned timetable shall be agreed by the Joint Commission within one month from the date of signature of this Protocol.

Page 3; General Agreement on the Establishment of Peace and National Accord in Tajikistan

The President of Tajikistan and the leader of the United Tajik Opposition have agreed that the signing of the present General Agreement marks the beginning of the phase of full and interconnected implementation of the agreements reached, which will put an end once and for all to the fratricidal conflict in Tajikistan, [...] the holding of free elections [...]

Page 2; Protocol on the fundamental principles for establishing peace and national accord in Tajikistan of 17 August 1995 (annex I)

2. The general agreement referred to shall consist of separate protocols on the following groups of problems:

(a) Political problems, including a consultative forum of the peoples of Tajikistan, the functioning of all political parties and political movements and the participation of their representatives in the power structures, as well as the deepening of the democratization process in Tajik society;

tr_epr

Electoral & Political
Party Reform

Page 2-3; Protocol on political questions of 18 May 1997 (annex II)

[...]

2. The Central Electoral Commission on Elections and the Holding of a Referendum shall be established for a transitional period with the inclusion in its membership of 25 per cent of the representatives of the United Tajik Opposition and shall conduct the elections and referendum before the beginning of the work of the new professional Parliament and the establishment of the new Central Electoral Commission of the Republic of Tajikistan.

4. The bans and restrictions on activities by the political parties and movements of the United Tajik Opposition and the mass information media shall be lifted by the authorities of Tajikistan after the completion of the second phase of the implementation of the Protocol on Military Questions. The political parties and movements of the United Tajik Opposition shall function within the framework of the Constitution and the laws in force of the Republic of Tajikistan and in accordance with the norms and guarantees set forth in the general agreement on the establishment of peace and national accord in the country.

Page 4-5; Protocol on the main functions and powers of the Commission on National Reconciliation of 23 December 1996 (annex IV)

For these purposes, the Commission is assigned the tasks of:
[...]

Developing proposals for amending the legislation on the functioning of political parties and movements and the mass media.

During the transition period the President and the Commission on National Reconciliation will exercise the following functions and powers:

Submission to a nationwide referendum of proposals for amendments and additions to the existing Constitution;

Preparation and submission for approval by Parliament, and if necessary also by a nationwide referendum, of a new law on elections to Parliament and the local representative bodies;

Establishment for the transition period of a Central Commission on Elections and the Conduct of the Referendum;
[...]

Development of a mechanism for converting the military-political movements into political parties;

Submission for consideration by Parliament of proposals regarding the date for the holding of elections to a new professional Parliament, to be monitored by the United Nations and the Organization for Security and Cooperation in Europe (OSCE), with the participation of the observer countries at the inter-Tajik talks.

Page 3-4; Statute of the Commission on National Reconciliation, of 21 February 1997 (annex V)

III. Functions and Powers of the Commission

7. The Commission shall have the following functions and powers:
[...]

Developing proposals for amending the legislation on the functioning of political parties and movements and the mass media.
[...]

During the transition period, the President and Commission on National Reconciliation will exercise the following functions and powers:

Submission to a nationwide referendum of proposals for amendments and additions to the existing Constitution;

Preparation and submission for approval by Parliament, and if necessary also by a nationwide referendum, of a new law on elections to parliament and the local representative bodies;

Establishment for the transition period of a Central Electoral Commission on the Elections and the Conduct of the Referendum;
[...]

Submission for consideration by Parliament of proposals regarding the date for the holding of elections to a new professional Parliament, to be monitored by the United Nations and the Organization for Security and Cooperation in Europe (OSCE), with the participation of the observer countries at the inter-Tajik talks.

Page 6; Additional Protocol to the Protocol on the main functions and powers of the Commission on National Reconciliation, of 21 February 1997 (annex VI)

3. The phrase "development of a mechanism for converting the militarypolitical movements into political parties" in the Protocol on the main functions and powers of the Commission on National Reconciliation dated 23 December 1996 shall be deemed null and void from the date of signing of the Protocol on Military Issues, since this matter will be discussed under the heading of military issues.

Page 2-3; Protocol on the guarantees of implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan, of 28 May 1997 (annex IX)

1. The good will of the Government of the Republic of Tajikistan and the Leadership of the United Tajik Opposition (hereinafter referred to as the Parties) and their commitment to achieving peace and national accord in the country shall be considered as the most important guarantees of strict implementation of the General Agreement. In this context, the material guarantees shall be deemed to be the agreements laid down in the above-mentioned Protocols and Agreements, in particular, to establish the Commission on National Reconciliation with equal representation of the Parties and headed by a representative of UTO; to reserve for representatives of the Opposition (UTO) thirty (30) per cent of posts in the executive power structures and twenty-five (25) per cent of seats in the Central Electoral Commission; [...] as well as to lift the bans and limitations on the activities of political parties and movements that are part of UTO [...]

Page 2-3; General Agreement on the Establishment of Peace and National Accord in Tajikistan

The President of Tajikistan and the leader of the United Tajik Opposition have agreed that the signing of the present General Agreement marks the beginning of the phase of full and interconnected implementation of the agreements reached, which will put an end once and for all to the fratricidal conflict in Tajikistan, [...] and create the conditions for the democratic development of society, [...] and the restoration of the country's economy destroyed by the many years of conflict. The highest national priorities of the country are peace and the national unity of all nationals of Tajikistan, regardless of their ethnic origin, political orientation, religion or regional affiliation.

Page 3; Protocol on the fundamental principles for establishing peace and national accord in Tajikistan of 17 August 1995 (annex I)

2. The general agreement referred to shall consist of separate protocols on the following groups of problems:
[...]

tr_dev

Socio-Economic
Development

(f) A donors' conference for financing the programmes to reintegrate refugees, displaced persons and persons demobilized during the national reconciliation process, and also for providing necessary assistance in restoring the national economy, which has been destroyed by the civil war.

Page 4; Protocol on the main functions and powers of the Commission on National Reconciliation of 23 December 1996 (annex IV)

For these purposes, the Commission is assigned the tasks of:
[...]

Implementing measures for the safe and appropriate return of the refugees, their active involvement in the social, political and economic life of the country and the provision of assistance in reconstruction of the housing and industrial and agricultural facilities destroyed by the war;

Page 3; Statute of the Commission on National Reconciliation, of 21 February 1997 (annex V)

III. FUNCTIONS AND POWERS OF THE COMMISSION

		<p>7. The Commission shall have the following functions and powers: [...]</p> <p>Implementing measures for the safe and appropriate return of the refugees and their active involvement in the social, political and economic life of the country, and provision of assistance in reconstruction of the housing and industrial and agricultural facilities destroyed by the war;</p>
tr_cul	Cultural Heritage/ Protections	
		<p>Page 3; Protocol on the fundamental principles for establishing peace and national accord in Tajikistan of 17 August 1995 (annex I)</p> <p>2. The general agreement referred to shall consist of separate protocols on the following groups of problems: [...]</p> <p>(f) A donors' conference for financing the programmes to reintegrate refugees, displaced persons and persons demobilized during the national reconciliation process, and also for providing necessary assistance in restoring the national economy, which has been destroyed by the civil war.</p> <p>Page 5; Statute of the Commission on National Reconciliation, of 21 February 1997 (annex V)</p> <p>VI. MATERIAL AND TECHNICAL SUPPORT FOR THE WORK OF THE COMMISSION</p> <p>10. Expenses associated with the maintenance and work of the Commission (salaries, communications, transportation) shall be financed out of the State budget, special provision being made for this purpose.</p> <p>Page 10; Protocol on refugees of 13 January 1997 (annex VIII)</p> <p>6. The Parties express their sincere gratitude to the United Nations, UNHCR, OSCE, donor countries and the Aga Khan Foundation for their assistance and at the same time make an urgent appeal to them and to the International Monetary Fund, the World Bank, the European Development Bank, the Islamic Bank and the Aga Khan Foundation to provide additional and substantial financial and material support to refugees and displaced persons and to the Joint Commission on problems relating to refugees, and also for the purpose of rehabilitating the national economy destroyed by the war and improving the well-being of the population.</p>
tr_fin	Financial Arrangements	
tj_dsm	Dispute Settlement Mechanisms	
ia_ver	Verification & Monitoring Mechanism	<p>Page 2; Protocol on the fundamental principles for establishing peace and national accord in Tajikistan of 17 August 1995 (annex I)</p> <p>In this connection, the parties have agreed:</p> <p>2. The general agreement referred to shall consist of separate protocols on the following groups of problems: [...]</p>

(d) A commission to monitor and verify compliance by the parties with the general agreement;

Page 4-5; Protocol on the main functions and powers of the Commission on National Reconciliation of 23 December 1996 (annex IV)

Devising a monitoring mechanism and monitoring compliance by the Parties with the agreements on the establishment of peace and national accord in the country jointly with the other organs established for that purpose;

Guidance and monitoring of the disbandment, disarming and reintegration of the armed units of the opposition armed forces and conduct of activities to reform the authorities responsible for the maintenance of law and order and the agencies of the Office of the Public Prosecutor;

Monitoring of the conduct of a full exchange of prisoners of war and other prisoners and the release of forcibly detained persons;
[...]

Submission for consideration by Parliament of proposals regarding the date for the holding of elections to a new professional Parliament, to be monitored by the United Nations and the Organization for Security and Cooperation in Europe (OSCE), with the participation of the observer countries at the inter-Tajik talks.

Page 3-4; Statute of the Commission on National Reconciliation, of 21 February 1997 (annex V)

III. FUNCTIONS AND POWERS OF THE COMMISSION

7. The Commission shall have the following functions and powers:

Devising a monitoring mechanism and monitoring compliance by the parties with the agreements on the establishment of peace and national accord in the country jointly with the other organs established for that purpose;

Guidance and monitoring of the disbandment, disarming and reintegration of the armed units of the opposition armed forces and conduct of activities to reform the authorities responsible for the maintenance of law and order and the agencies of the Office of the Public Prosecutor;

Monitoring of the conduct of a full exchange of prisoners of war and other prisoners and the release of forcibly detained persons;
[...]

Submission for consideration by Parliament of proposals regarding the date for the holding of elections to a new professional Parliament, to be monitored by the United Nations and the Organization for Security and Cooperation in Europe (OSCE), with the participation of the observer countries at the inter-Tajik talks.

Page 4-7; Protocol on military issues (annex VII)

I. GENERAL PROVISIONS

1. The reintegration, disarmament and disbandment of the armed units of the United Tajik Opposition as well as the reform of the governmental power structures of the Republic of Tajikistan shall be carried out during the transition period by the President of the Republic of Tajikistan and the Commission on National Reconciliation in close cooperation with the United Nations Mission of Observers in Tajikistan (UNMOT) and in accordance with the timetable set forth in paragraphs 5, 9 and 11 of this Protocol.

II. THE REINTEGRATION, DISARMAMENT AND DISBANDMENT OF THE ARMED UNITS OF THE UNITED TAJIK OPPOSITION:

5. The reintegration, disarmament and disbandment of the armed units of the United Tajik Opposition shall be carried out in stages.

(b) [...] With the consent of the Afghan authorities, the subcommission on military issues of the Commission on National Reconciliation and UNMOT shall travel to the Islamic State of Afghanistan and draw up a register of the weapons and ammunition. The collective peacekeeping forces of the Commonwealth of Independent States (CIS) shall, under the supervision of UNMOT, accompany the personnel, weapons and ammunition to the assembly points, where the weapons and ammunition on the register shall be stored in separate, guarded premises. [...]

V. THE ROLE OF INTERNATIONAL ORGANIZATIONS

13. In order to ensure the full and effective implementation of the provisions of the present Protocol, the Parties request the United Nations, through its Observer Mission in Tajikistan, to monitor the process of implementation of the agreements indicated above, and to provide expert advisory assistance and good offices at all the stages specified in the present Protocol.

Page 3; Protocol on the guarantees of implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan, of 28 May 1997 (annex IX)

[...]

2. The Parties agreed to request the United Nations to provide guarantees of implementation of the General Agreement through possible adoption by the Security Council of the United Nations of a new mandate of the United Nations Mission of Observers in Tajikistan (UNMOT) which would take into account the successful completion of the inter-Tajik talks and might provide for monitoring of the implementation of the General Agreement by the Parties, provision of expertise, consultations and good offices at all stages of its implementation and, possibly, other functions.

[...]

4. In order to monitor the implementation of the General Agreement by the Parties and to provide them with expertise, consultations and other good offices, the guarantor States agreed to establish, for the period of the implementation of the General Agreement, a Contact Group which shall be stationed in Dushanbe and shall consist of the ambassadors of the guarantor States accredited there or of specially appointed representatives. [...]

Page 5; Protocol on the main functions and powers of the Commission on National Reconciliation of 23 December 1996 (annex IV)

During the transition period the President and the Commission on National Reconciliation will exercise the following functions and powers:

The activities of the Commission on National Reconciliation shall be conducted in close cooperation with the United Nations Mission of Observers and the OSCE Mission in Tajikistan.

ia_pko

Peacekeeping

Page 5; Statute of the Commission on National Reconciliation, of 21 February 1997 (annex V)

VIII. THE ROLE OF THE UNITED NATIONS AND OSCE IN PROMOTING THE WORK OF THE COMMISSION

12. In accordance with the Protocol signed in Moscow on 23 December 1996 by the President of the Republic of Tajikistan and the leader of the United Tajik Opposition, the work of the Commission shall be conducted in close cooperation with the United Nations Observer Mission and the OSCE Mission in Tajikistan. The Special Representative of the Secretary-General of the United Nations and the United Nations Observer Mission in Tajikistan shall render advisory assistance to the work of the Commission, and also such other assistance as may be provided for in its possible future mandates. Decisions of the Commission on issues related to the activity of the United Nations

Observer Mission in Tajikistan shall be taken in consultation with the Special Representative of the Secretary-General.

Page 4-7; Protocol on military issues (annex VII)

I. GENERAL PROVISIONS

1. The reintegration, disarmament and disbandment of the armed units of the United Tajik Opposition as well as the reform of the governmental power structures of the Republic of Tajikistan shall be carried out during the transition period by the President of the Republic of Tajikistan and the Commission on National Reconciliation in close cooperation with the United Nations Mission of Observers in Tajikistan (UNMOT) and in accordance with the timetable set forth in paragraphs 5, 9 and 11 of this Protocol.

II. THE REINTEGRATION, DISARMAMENT AND DISBANDMENT OF THE ARMED UNITS OF THE UNITED TAJIK OPPOSITION:

5. The reintegration, disarmament and disbandment of the armed units of the United Tajik Opposition shall be carried out in stages.

(b) [...] With the consent of the Afghan authorities, the subcommission on military issues of the Commission on National Reconciliation and UNMOT shall travel to the Islamic State of Afghanistan and draw up a register of the weapons and ammunition. The collective peacekeeping forces of the Commonwealth of Independent States (CIS) shall, under the supervision of UNMOT, accompany the personnel, weapons and ammunition to the assembly points, where the weapons and ammunition on the register shall be stored in separate, guarded premises. [...]

V. THE ROLE OF INTERNATIONAL ORGANIZATIONS

13. In order to ensure the full and effective implementation of the provisions of the present Protocol, the Parties request the United Nations, through its Observer Mission in Tajikistan, to monitor the process of implementation of the agreements indicated above, and to provide expert advisory assistance and good offices at all the stages specified in the present Protocol.

Page 2-4; Protocol on the guarantees of implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan, of 28 May 1997 (annex IX)

the delegations of the Government of the Republic of Tajikistan and of the United Tajik Opposition (UTO), in consultations with the Special Representative of the Secretary-General of the United Nations for Tajikistan and representatives of the Organization for Security and Cooperation in Europe (OSCE), the Organization of the Islamic Conference (OIC), the Islamic State of Afghanistan, the Islamic Republic of Iran, the Republic of Kazakhstan, the Kyrgyz Republic, the Islamic Republic of Pakistan, the Russian Federation, Turkmenistan and the Republic of Uzbekistan agreed as follows:
[...]

2. The Parties agreed to request the United Nations to provide guarantees of implementation of the General Agreement through possible adoption by the Security Council of the United Nations of a new mandate of the United Nations Mission of Observers in Tajikistan (UNMOT) which would take into account the successful completion of the inter-Tajik talks and might provide for monitoring of the implementation of the General Agreement by the Parties, provision of expertise, consultations and good offices at all stages of its implementation and, possibly, other functions.
[...]

4. In order to monitor the implementation of the General Agreement by the Parties and to provide them with expertise, consultations and other good offices, the guarantor States agreed to establish, for the period of the implementation of the General Agreement, a Contact Group which shall be stationed in Dushanbe and shall consist of the ambassadors of the guarantor States accredited there or of specially appointed representatives. The Contact Group shall also include the Special Representative of the Secretary-General

of the United Nations for Tajikistan, the head of the OSCE mission in Tajikistan and a representative of the Organization of the Islamic Conference (OIC). With the consent of the guarantor States, OSCE and OIC, the Special Representative of the Secretary-General of the United Nations for Tajikistan shall perform the functions of the Contact Group coordinator. Besides the above-mentioned monitoring and good offices, the Contact Group shall inform the Governments of the guarantor States, the Secretary-General of the United Nations through his Special Representative for Tajikistan and the decision-making bodies of the OSCE and OIC about any violations of the General Agreement by the Parties and shall forward recommendations on the ways of ensuring compliance. The Contact Group shall begin its work in Dushanbe concurrently with the commencement of the functioning of the Commission on National Reconciliation. Rules of procedure of the Contact Group shall be established by its members within one week following the beginning of its work.

5. OSCE, through its mission in Dushanbe, shall facilitate the implementation of the General Agreement in the areas related to the observance of human rights and the establishment of democratic political and legal institutions and processes in the Republic of Tajikistan.

Page 3; General Agreement on the Establishment of Peace and National Accord in Tajikistan

The President of Tajikistan and the leader of the United Tajik Opposition have agreed to request the Secretary-General of the United Nations to provide assistance and cooperation in the comprehensive implementation of the General Agreement. They have also agreed to request the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE), the Organization of the Islamic Conference (OIC) and the Governments of the guarantor States to provide cooperation in the implementation of the relevant provisions of the General Agreement.

Page 4; Moscow Declaration

The President of Tajikistan and the leader of the United Tajik Opposition express their sincere gratitude to the United Nations, under the auspices and with the mediation of which the negotiating process has been proceeding for the past three years. They express their conviction that the United Nations will provide Tajikistan with assistance and cooperation in the implementation of the agreements reached.

We are grateful to the observer countries at the inter-Tajik talks - Afghanistan, the Islamic Republic of Iran, Kazakstan, Kyrgyzstan, Pakistan, the Russian Federation, Turkmenistan and Uzbekistan - for their cooperation in moving the talks forward and their all-round assistance during the years of our people's ordeal. Agreement at the international level to guarantee the implementation of the Agreement strengthens our conviction that all the obligations it contains will be implemented in full within the agreed periods.

We greatly value the role of the Organization for Security and Cooperation in Europe and the Organization of the Islamic Conference in the inter-Tajik negotiating process, and express the hope that they too will provide cooperation in the implementation of the agreements reached.

Page 2-3; Protocol on the fundamental principles for establishing peace and national accord in Tajikistan of 17 August 1995 (annex I)

In this connection, the parties have agreed:

1. To conduct, beginning on 18 September 1995, a continual round of negotiations aimed at concluding, at the earliest possible date, a general agreement on the establishment of peace and national accord in Tajikistan. The venue for the negotiations shall be agreed upon by the parties through the mediation of the Special Envoy of the United Nations Secretary-General.

2. The general agreement referred to shall consist of separate protocols on the following groups of problems:

[...]

ia_adv

International
Assistance &
Advice

(d) A commission to monitor and verify compliance by the parties with the general agreement;

(e) Guarantees for implementing the general agreement, including a possible role to be played by the United Nations, States and international organizations acting as observers at inter-Tajik negotiations;

(f) A donors' conference for financing the programmes to reintegrate refugees, displaced persons and persons demobilized during the national reconciliation process, and also for providing necessary assistance in restoring the national economy, which has been destroyed by the civil war.

Page 2; Agreement between the President of Tajikistan, Emomali Sharipovich Rakhmonov, and the leader of the United Tajik Opposition, Said Abdullo Nuri, on the results of the meeting held in Moscow on 23 December 1996 (annex III)

To conduct within the shortest possible time a full exchange of prisoners of war and other prisoners. They requested the United Nations Mission of Observers in Tajikistan and the International Committee of the Red Cross to extend the necessary assistance for the conduct of this humanitarian activity;

Page 5; Protocol on the main functions and powers of the Commission on National Reconciliation of 23 December 1996 (annex IV)

During the transition period the President and the Commission on National Reconciliation will exercise the following functions and powers:

[...]

Submission for consideration by Parliament of proposals regarding the date for the holding of elections to a new professional Parliament, to be monitored by the United Nations and the Organization for Security and Cooperation in Europe (OSCE), with the participation of the observer countries at the inter-Tajik talks.

[...]

The activities of the Commission on National Reconciliation shall be conducted in close cooperation with the United Nations Mission of Observers and the OSCE Mission in Tajikistan.

Page 4-5; Statute of the Commission on National Reconciliation, of 21 February 1997 (annex V)

III. FUNCTIONS AND POWERS OF THE COMMISSION

During the transition period, the President and Commission on National Reconciliation will exercise the following functions and powers:

[...]

Submission for consideration by Parliament of proposals regarding the date for the holding of elections to a new professional Parliament, to be monitored by the United Nations and the Organization for Security and Cooperation in Europe (OSCE), with the participation of the observer countries at the inter-Tajik talks.

VIII. THE ROLE OF THE UNITED NATIONS AND OSCE IN PROMOTING THE WORK OF THE COMMISSION

12. In accordance with the Protocol signed in Moscow on 23 December 1996 by the President of the Republic of Tajikistan and the leader of the United Tajik Opposition, the work of the Commission shall be conducted in close cooperation with the United Nations Observer Mission and the OSCE Mission in Tajikistan. The Special Representative of the Secretary-General of the United Nations and the United Nations Observer Mission in Tajikistan shall render advisory assistance to the work of the Commission, and also such other assistance as may be provided for in its possible future mandates. Decisions of the Commission on issues related to the activity of the United Nations Observer Mission in Tajikistan shall be taken in consultation with the Special Representative of the Secretary-General.

Page 7; Protocol on military issues (annex VII)

V. THE ROLE OF INTERNATIONAL ORGANIZATIONS

13. In order to ensure the full and effective implementation of the provisions of the present Protocol, the Parties request the United Nations, through its Observer Mission in Tajikistan, to monitor the process of implementation of the agreements indicated above, and to provide expert advisory assistance and good offices at all the stages specified in the present Protocol.

Page 9-10; Protocol on refugees of 13 January 1997 (annex VIII)

3. The Parties have decided to resume the work of the Joint Commission on problems relating to refugees and, within one month from the date of signature of this Protocol, with the assistance of UNHCR, to draw up a statute of the Commission.

6. The Parties express their sincere gratitude to the United Nations, UNHCR, OSCE, donor countries and the Aga Khan Foundation for their assistance and at the same time make an urgent appeal to them and to the International Monetary Fund, the World Bank, the European Development Bank, the Islamic Bank and the Aga Khan Foundation to provide additional and substantial financial and material support to refugees and displaced persons and to the Joint Commission on problems relating to refugees, and also for the purpose of rehabilitating the national economy destroyed by the war and improving the well-being of the population.

Page 2-4; Protocol on the guarantees of implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan, of 28 May 1997 (annex IX)

the delegations of the Government of the Republic of Tajikistan and of the United Tajik Opposition (UTO), in consultations with the Special Representative of the Secretary-General of the United Nations for Tajikistan and representatives of the Organization for Security and Cooperation in Europe (OSCE), the Organization of the Islamic Conference (OIC), the Islamic State of Afghanistan, the Islamic Republic of Iran, the Republic of Kazakhstan, the Kyrgyz Republic, the Islamic Republic of Pakistan, the Russian Federation, Turkmenistan and the Republic of Uzbekistan agreed as follows:
[...]

2. The Parties agreed to request the United Nations to provide guarantees of implementation of the General Agreement through possible adoption by the Security Council of the United Nations of a new mandate of the United Nations Mission of Observers in Tajikistan (UNMOT) which would take into account the successful completion of the inter-Tajik talks and might provide for monitoring of the implementation of the General Agreement by the Parties, provision of expertise, consultations and good offices at all stages of its implementation and, possibly, other functions.

3. At the request of the Parties, the Governments of the Islamic State of Afghanistan, the Islamic Republic of Iran, the Republic of Kazakhstan, the Kyrgyz Republic, the Islamic Republic of Pakistan, the Russian Federation, Turkmenistan and the Republic of Uzbekistan agreed to act as political and moral guarantors of comprehensive and strict implementation of the General Agreement by the Parties. In this connection, it may be desirable to have periodic meetings of the Ministers for Foreign Affairs of the guarantor States in Dushanbe.

4. In order to monitor the implementation of the General Agreement by the Parties and to provide them with expertise, consultations and other good offices, the guarantor States agreed to establish, for the period of the implementation of the General Agreement, a Contact Group which shall be stationed in Dushanbe and shall consist of the ambassadors of the guarantor States accredited there or of specially appointed representatives. The Contact Group shall also include the Special Representative of the Secretary-General of the United Nations for Tajikistan, the head of the OSCE mission in Tajikistan and a representative of the Organization of the Islamic Conference (OIC). With the consent of the guarantor States, OSCE and OIC, the Special

Representative of the Secretary-General of the United Nations for Tajikistan shall perform the functions of the Contact Group coordinator. Besides the above-mentioned monitoring and good offices, the Contact Group shall inform the Governments of the guarantor States, the Secretary-General of the United Nations through his Special Representative for Tajikistan and the decision-making bodies of the OSCE and OIC about any violations of the General Agreement by the Parties and shall forward recommendations on the ways of ensuring compliance. The Contact Group shall begin its work in Dushanbe concurrently with the commencement of the functioning of the Commission on National Reconciliation. Rules of procedure of the Contact Group shall be established by its members within one week following the beginning of its work.

5. OSCE, through its mission in Dushanbe, shall facilitate the implementation of the General Agreement in the areas related to the observance of human rights and the establishment of democratic political and legal institutions and processes in the Republic of Tajikistan.

**AGREEMENT BETWEEN THE NATIONAL COMMITTEE ON CHITTAGONG HILL TRACTS
CONSTITUTED BY THE GOVERNMENT AND THE PARBATTYA CHATTAGRAM JANASANGHATI
SAMITY**

**Page 2; B) (Kha) CHITTAGONG HILL TRACTS LOCAL GOVERNMENT
COUNCIL/ HILL DISTRICT COUNCIL**

Both sides have reached agreement with regard to changing, amending, incorporating and omitting the Hill District Local Government Council Acts 1989 (Rangamati Hill District Local Government Council Act 1989, Bandarban Hill District Local Government Council Act 1989, Khagrachhari Hill District Local Government Council Act 1989) and its different sections which were in existence before this agreement came into being, as below:
[...]

**Page 3-7; B)(Kha) CHITTAGONG HILL TRACTS LOCAL GOVERNMENT
COUNCIL/ HILL DISTRICT COUNCIL**

8. There shall be a provision in section 14 that if the office of the Chairman falls vacant or in absence of the Chairman, a tribal member elected by other members of the Council shall preside and perform other responsibilities.

11. There shall be a provision in sub-section (2) of section 25 stating that the chairman and in his absence a tribal member elected by other members shall preside over all the meetings of the council.

14. a) There shall be a provision in sub-section (1) of section 32 that for the proper conduct of its affairs the Council may, with the approval of the government, create posts of various categories of officers and employees. b) Sub-section (2) of section 32 shall, by amendment, be made as follows: The Council can, in accordance with regulations, appoint class three and class four employees, and can transfer, suspend, dismiss, remove or can impose any other punitive action on them. But provided that the priority of the tribal inhabitants must be maintained in case of the said appointments. c) There shall be provision in the sub-section (3) of section 32 stating that: The government can, in consultation with the Council, appoint other officers as per regulation and can transfer, suspend, dismiss, remove or can impose any other punitive action on them.

24. a) By amendment, sub-section (1) of section 62 shall be made as follows: Notwithstanding anything contained in any Act for the time being in force, all members of the rank of Sub-Inspector and below of Hill District Police shall be appointed by the Council in manner laid down by regulations, and the Council may transfer and take disciplinary action against them as per procedure laid down by regulations; provided that in the manner of such appointment tribals shall be given priority.

26. Section 64 shall be amended as follows:

a) Notwithstanding anything contained in any law for the time being in force, no land, including those land suitable for giving settlement, within the boundaries of Hill District shall be given in settlement including giving lease, purchased, sold and transferred without prior approval of the Council; provided that this provision shall not be applicable in case of areas within the reserved forests, Kaptai Hydroelectricity Project, Bethunia Earth Satellite Station, State-owned industries and factories and lands recorded in the name of government.

b) Notwithstanding anything contained in any law for the time being in force, no lands, hills and forests within the control and jurisdiction of the Hill District Council shall be acquired or transferred by the government without consultation and consent of the Hill District Council.

c) The council can supervise and control functions of Headman, Chainman, Amin, Surveyor, Kanungo and Assistant Commissioner (land).

d) Fringe land in Kaptai Lake shall be given settlement on priority basis to original owners.

ps_pol

Political Power-sharing

29. By amendment of sub-section (1) it shall be made as follows: The government in consultation with the Council can, by notification in the official gazette, make rules for carrying out the purposes of this Act and even after the rules had been made, the Council shall have special right to file petition for reconsideration of the rules.

30. a) In the first and second paragraphs of sub-section (1) of Section 69, the words "prior approval of the government" shall be omitted and the following part shall be added after the words "can do" in the third Para: "Provided that if the government differs with any part of the regulation made by the Hill District Council then the government can give advice or instruction for amendment of the said regulation".

31. Section 70 shall be omitted. 32. Section 79 shall be amended as follows: If in the opinion of the Council any law applicable to Hill District, passed by the national parliament or any other authority, is found to be hurtful to the district or objectionable to the tribal people, the Council may file petition in writing, for the purpose of amendment or relaxation of its application, to the government stating the reasons for which the law is being hurtful or objectionable and the government shall in the light of the petition, adopt necessary remedial measures.

34. The following subjects shall be added in the functions and responsibilities of the Hill District Council:

- a) Land and land management
- b) Police (local)
- c) Tribal law and social justice
- d) Youth Welfare
- e) Environment preservation and development
- f) Local tourism
- g) Improvement trust and other local government institutions except Pourasabha and Union Councils
- h) Licensing for local trade and business
- i) Proper utilization of water resources of rivulets, canals, ponds and irrigation except Kaptai lake
- j) Preservation of death and birth and other statistics
- k) Money lending and trade
- l) Jhum Cultivation.

35. The following sectors and sources shall be included in the taxes, rates, tolls and fees to be imposed by the Council as stated in the second schedule:

- a) Registration fee from non-mechanical transports
- b) Tax on sale and purchase of goods
- c) Holding tax from land and buildings
- d) Tax on sale of domestic animals
- e) Fees from cases of social justice
- f) Holding tax on government and non-government industries
- g) Part of royalty from forest resources
- h) Supplementary tax from cinema, theatre and circus, etc.
- i) Part of royalty from license or lease given by the government for exploration and extraction of mineral resources
- j) Tax from business
- k) Tax from lottery
- l) Tax from fishing

Page 7-9; C) (Ga) THE CHITTAGONG HILL TRACTS REGIONAL COUNCIL

1. A Regional Council shall be formed in coordination with the 3 Hill District Local Government Councils provided that various sections of the Hill District Local Government Council Act 1989 (Act No. 19, 20 and 21 of 1989) shall be amended with an aim to make the three Hill District Local Government Councils more powerful and effective.

2. Chairman of this Council shall be elected indirectly by the elected members of the Hill District Councils, his status shall be equivalent to that of a State Minister and he must be a tribal.

3. The Council shall be formed with 22(twenty-two) members including the Chairman. Two-thirds of the members shall be elected from among the tribals. The Council shall determine its procedure of functioning. Composition of the Council shall be as follows: Chairman 1 Members Tribal 12 Members Tribal (women) 2 Members non- tribal 6 Members non-tribal(women) 1 Among the tribal members 5 persons shall be elected from the Chakma tribe, 3 persons from the Marma tribe, 2 persons from the Tripura tribe, 1 person from the Murung and Tanchangya tribes and 1 person from the Lusai, Bawm, Pankho, Khumi, Chak and Khyang tribes Among the non-tribal members 2 persons shall be elected from each district. Among the tribal women members 1 woman shall be elected from the Chakma tribe and 1 woman from other tribes.

4. Three seats shall be reserved for women in the Council, one-third of which will be non- tribal.

5. The members of the Council shall be elected indirectly by the elected members of the Hill District Councils. Chairman of three Hill District Councils shall be ex-officio members of the Council and they shall have voting rights. Eligibility and non-eligibility of the members of the Council shall be similar to that of the Hill District Councils.

8. a) If the office of the Chairman of the Councils falls vacant then a member from among the tribal members would be indirectly elected as Chairman by the members of Hill District Councils for an interim period.

9. a) The Council, including coordination of all development activities conducted under the three Hill District Councils, shall supervise and coordinate the subjects vested upon the Hill District Councils. Besides these, if any lack of coordination and inconsistency is found among the Hill District Councils in discharging their responsibilities the decision of the Regional Council shall be taken as final.

b) The Council shall supervise and coordinate local councils including the municipalities.

c) Regional Council can coordinate and supervise in the matters of general administration, law and order and development of the three Hill Districts.

d) The Council can conduct programmes related to disaster management and relief, and also coordinate the activities of the NGOs.

e) Tribal laws and social justice shall be under the jurisdiction of the Council.

f) The Council can issue license for heavy industry.

10. The Chittagong Hill Tracts Development Board shall discharge its responsibilities under general and overall supervision of the Council. In case of appointment of Chairman of the Development Board, the government shall give priority to competent tribal candidates.

12. Until Regional Council is constituted through direct and indirect election the government may, by constituting an interim Regional Council, entrust the responsibilities of the Council on it.

13. If the government wants to formulate any law regarding CHT, it shall do so in consultation with and according to the recommendation of the Regional Council. If there arises the necessity to amend any law that may be harmful for development of the three Hill Districts or for the welfare of the tribals, or to make any new law, the Councils may file a petition or put recommendation before the government.

Page 13; D) (Gha) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS

17. The permanent residents of Chittagong Hill Tracts with priority to the tribals shall be given appointment to all categories of officers and employees of all government, semi- government, councils and autonomous bodies of Chittagong Hill Tracts. In case of non- availability of eligible persons from among the permanent residents of Chittagong Hill Tracts for a particular post, the government may give appointment on lien or for a definite period to such posts.

18. A ministry on Chittagong Hill Tracts Affairs shall be established by appointing a Minister from among the tribals. An Advisory Council shall be formed to assist this ministry with the persons stated below:

- a) Minister on CHT Affairs
- b) Chairman/representative, Regional Council;
- c) Chairman/representative, Rangamati Hill District Council;
- d) Chairman/representative, Bandarban Hill District Council;
- e) Chairman/representative, Khagrachari Hill District Council;
- f) Member of Parliament, Rangamati;
- g) Member of Parliament, Bandarban;
- h) Member of Parliament, Khagrachari;
- i) Chakma Raja;
- j) Bohmang Raja;
- k) Mong Raja;
- l) Three members from non-tribal permanent residents of hilly areas nominated by the government from three Hill Districts.

Pages 7-8; B) (Kha) CHITTAGONG HILL TRACTS LOCAL GOVERNMENT COUNCIL/HILL DISTRICT COUNCIL

Both sides have reached agreement with regard to changing, amending, incorporating and omitting the Hill District Local Government Council Acts 1989 (Rangamati Hill District Local Government Council Act 1989, Bandarban Hill District Local Government Council Act 1989, Khagrachari Hill District Local Government Council Act 1989) and its different sections which were in existence before this agreement came into being, as below:
[...]

34. The following subjects shall be added in the functions and responsibilities of the Hill District Council:

- a) Land and land management
- b) Police (local)
- c) Tribal law and social justice
- d) Youth Welfare
- e) Environment preservation and development
- f) Local tourism
- g) Improvement trust and other local government institutions except Pourasabha and Union Councils
- h) Licensing for local trade and business
- i) Proper utilization of water resources of rivulets, canals, ponds and irrigation except Kaptai lake
- j) Preservation of death and birth and other statistics
- k) Money lending and trade
- l) Jhum Cultivation.

35. The following sectors and sources shall be included in the taxes, rates, tolls and fees to be imposed by the Council as stated in the second schedule:

- a) Registration fee from non-mechanical transports
- b) Tax on sale and purchase of goods
- c) Holding tax from land and buildings
- d) Tax on sale of domestic animals
- e) Fees from cases of social justice
- f) Holding tax on government and non-government industries
- g) Part of royalty from forest resources
- h) Supplementary tax from cinema, theatre and circus, etc.
- i) Part of royalty from license or lease given by the government for exploration and extraction of mineral resources
- j) Tax from business
- k) Tax from lottery
- l) Tax from fishing

Page 9; C) (Ga) THE CHITTAGONG HILL TRACTS REGIONAL COUNCIL:

10. The Chittagong Hill Tracts Development Board shall discharge its responsibilities under general and overall supervision of the Council. In case of appointment of Chairman of the Development Board, the government shall give priority to competent tribal candidates.

12. Until Regional Council is constituted through direct and indirect election the government may, by constituting an interim Regional Council, entrust the responsibilities of the Council on it. 13. If the government wants to formulate any law regarding CHT, it shall do so in consultation with and according to the

ps_eco

Economic Power-sharing

		<p>recommendation of the Regional Council. If there arises the necessity to amend any law that may be harmful for development of the three Hill Districts or for the welfare of the tribals, or to make any new law, the Councils may file a petition or put recommendation before the government.</p> <p>13. The fund of the Council shall be created from the following sources: a) Fund received from the Hill District Councils' fund; b) Money or profits from all properties vested in and managed by the Regional Council; c) Grant and loan from the government or any other authority; d) Grant from any institution or individual; e) Profit accruing from investment by Regional Council; f) Any other moneys received by the Regional Council; g) Money received from such sources of incomes as the government may direct to be placed at the disposal of the Regional Council.</p>
ps_mil	Military Power-sharing	
		<p>Page 10; D) (Gha) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS</p> <p>Both sides have reached the following position and agreement to take programmes for restoring normal situation in Chittagong Hill Tracts area and to this end on the matters of rehabilitation, general amnesty and others related issues and activities: [...]</p> <p>Page 12; D) (Gha) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS</p> <p>14. The government shall declare amnesty for the members who shall deposit their arms and ammunition on the scheduled date. The government shall withdraw the cases against whom cases have been lodged.</p> <p>Page 12; D) (Gha) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS</p> <p>16. After the return of all JSS members to normal life general amnesty shall be given to them and to the permanent residents who were involved in the activities of the Jana Sanghati Samiti. [...]</p>
tj_amn	Amnesty	
		<p>Page 12; D) (Gha) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS</p> <p>16. After the return of all JSS members to normal life general amnesty shall be given to them and to the permanent residents who were involved in the activities of the Jana Sanghati Samiti. [...] b) All cases, warrants of arrest, held against any armed member or general member of the Jana Sanghati Samiti shall be withdrawn and punishment given after trial in absentia shall be exempted after surrender of arms and coming back to normal life as soon as possible. Any member of the Jana Sanghati Samiti in jail shall be released.</p>
tj_pri	Prisoner Release	

tj_hum

Human Rights

Page 1; A) (Ka) GENERAL

1. Both the sides have recognised the need for protecting the characteristics and attaining overall development of the region considering Chittagong Hill Tracts as a tribal inhabited region.

Page 2-6; B)(Kha) CHITTAGONG HILL TRACTS LOCAL GOVERNMENT COUNCIL/ HILL DISTRICT COUNCIL

Both sides have reached agreement with regard to changing, amending, incorporating and omitting the Hill District Local Government Council Acts 1989 (Rangamati Hill District Local Government Council Act 1989, Bandarban Hill District Local Government Council Act 1989, Khagrachhari Hill District Local Government Council Act 1989) and its different sections which were in existence before this agreement came into being, as below:

[...]

3. "Non-tribal permanent residents" shall mean a person who is not a tribal but has legal land in the hill district and generally lives in the hill district at a specific address.

4. [...] d) Following sub-section shall be added in section 4: Whether a person is a non-tribal shall be determined, along with the identity of non-tribal community to which he belongs, by the concerned Circle Chief on the provision of submission of certificate from concerned Headman/Pourasabha chairman/Union Parishad chairman and no person can be a candidate for the office of the non-tribal member without a certificate from the concerned Circle Chief in this regard.

tj_min

Indigenous &
Minority Rights

8. There shall be a provision in section 14 that if the office of the Chairman falls vacant or in absence of the Chairman, a tribal member elected by other members of the Council shall preside and perform other responsibilities.

11. There shall be a provision in sub-section (2) of section 25 stating that the chairman and in his absence a tribal member elected by other members shall preside over all the meetings of the council.

13. In sub-section (1) and sub-section (2) of section 31 there shall be a provision that a chief executive officer equivalent to the status of a deputy secretary shall be the secretary in the Council and there shall be provision that the tribal officials would be given priority for this post.

14. b) Sub-section (2) of section 32 shall, by amendment, be made as follows: The Council can, in accordance with regulations, appoint class three and class four employees, and can transfer, suspend, dismiss, remove or can impose any other punitive action on them. But provided that the priority of the tribal inhabitants must be maintained in case of the said appointments.

24. a) By amendment, sub-section (1) of section 62 shall be made as follows: Notwithstanding anything contained in any Act for the time being in force, all members of the rank of Sub-Inspector and below of Hill District Police shall be appointed by the Council in manner laid down by regulations, and the Council may transfer and take disciplinary action against them as per procedure laid down by regulations; provided that in the manner of such appointment tribals shall be given priority.

32. Section 79 shall be amended as follows: If in the opinion of the Council any law applicable to Hill District, passed by the national parliament or any other authority, is found to be hurtful to the district or objectionable to the tribal people, the Council may file petition in writing, for the purpose of amendment or relaxation of its application, to the government stating the reasons for which

the law is being hurtful or objectionable and the government shall in the light of the petition, adopt necessary remedial measures.

33. b) The following subjects shall be added in the No. 3 of the function of the Council: (1) Vocational training; (2) Primary education in mother tongue; (3) Secondary education.

Page 7-9; C) (Ga) THE CHITTAGONG HILL TRACTS REGIONAL COUNCIL

2. Chairman of this Council shall be elected indirectly by the elected members of the Hill District Councils, his status shall be equivalent to that of a State Minister and he must be a tribal.

3. The Council shall be formed with 22(twenty-two) members including the Chairman. Two-thirds of the members shall be elected from among the tribals. The Council shall determine its procedure of functioning. Composition of the Council shall be as follows: Chairman 1 Members Tribal 12 Members Tribal (women) 2 Members non- tribal 6 Members non-tribal (women) 1 Among the tribal members 5 persons shall be elected from the Chakma tribe, 3 persons from the Marma tribe, 2 persons from the Tripura tribe, 1 person from the Murung and Tanchangya tribes and 1 person from the Lusai, Bawm, Pankho, Khumi, Chak and Khyang tribes. Among the non-tribal members 2 persons shall be elected from each district. Among the tribal women members 1 woman shall be elected from the Chakma tribe and 1 woman from other tribes.

7. A chief executive officer equivalent to the rank of a Joint Secretary of the government shall be appointed in the council and tribal candidates would be given priority in the appointment for the post.

8. a) If the office of the Chairman of the Councils falls vacant then a member from among the tribal members would be indirectly elected as Chairman by the members of Hill District Councils for an interim period.

10. The Chittagong Hill Tracts Development Board shall discharge its responsibilities under general and overall supervision of the Council. In case of appointment of Chairman of the Development Board, the government shall give priority to competent tribal candidates.

Page 10-13; D) (Gha) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS

2. After signing and implementation of the agreement between the government and the Jana Sanghati Samiti, and after rehabilitation of the tribal refugees and internally displaced tribal people, the government, in consultation with the Regional Council to be formed as per this agreement, shall start cadastral survey in CHT as soon as possible and after finalization of land ownership of tribal people by settlement of land dispute through proper verification, shall record their land and ensure their land rights.

8. Allotment of lands for rubber plantation and other purposes: Settlement of land, of those non-tribals and non-locals who were given settlement of lands for rubber plantation and other purposes but had not undertake project within the past 10 years or had not utilized their lands properly, shall be cancelled.

10. Quota reservation and scholarships: Until development equals that of other regions of the country the government shall continue reservation of quota system in government services and educational institutions for the tribals. For this purpose, the government shall grant more scholarships for the tribal students in the educational institutions. The government shall provide necessary scholarships for research works and higher education abroad.

11. The government and the elected representatives shall be active to preserve the distinctiveness of the tribal culture and heritage. The government in order to develop the tribal cultural activities at the national level shall provide necessary patronization and assistance.

17. The permanent residents of Chittagong Hill Tracts with priority to the tribals shall be given appointment to all categories of officers and employees of all

	<p>government, semi- government, councils and autonomous bodies of Chittagong Hill Tracts. In case of non- availability of eligible persons from among the permanent residents of Chittagong Hill Tracts for a particular post, the government may give appointment on lien or for a definite period to such posts.</p> <p>18. A ministry on Chittagong Hill Tracts Affairs shall be established by appointing a Minister from among the tribals. An Advisory Council shall be formed to assist this ministry with the persons stated below: [...] l) Three members from non-tribal permanent residents of hilly areas nominated by the government from three Hill Districts.</p>
<p>tj_wom Women's Rights & Gender Issues</p>	<p>Page 2; B)(Kha) CHITTAGONG HILL TRACTS LOCAL GOVERNMENT COUNCIL/ HILL DISTRICT COUNCIL</p> <p>4. a) There shall be 3 (three) seats for women in each of the Hill District Councils. One third (1/3) of these seats shall be for non-tribals.</p> <p>Page 7-8; C) (Ga) THE CHITTAGONG HILL TRACTS REGIONAL COUNCIL</p> <p>3. The Council shall be formed with 22(twenty-two) members including the Chairman. Two-thirds of the members shall be elected from among the tribals. The Council shall determine its procedure of functioning. Composition of the Council shall be as follows: Chairman 1 Members Tribal 12 Members Tribal (women) 2 Members non- tribal 6 Members non-tribal (women) 1 Among the tribal members 5 persons shall be elected from the Chakma tribe, 3 persons from the Marma tribe, 2 persons from the Tripura tribe, 1 person from the Murung and Tanchangya tribes and 1 person from the Lusai, Bawm, Pankho, Khumi, Chak and Khiyang tribes. Among the non-tribal members 2 persons shall be elected from each district. Among the tribal women members 1 woman shall be elected from the Chakma tribe and 1 woman from other tribes.</p> <p>4. 3 (three) seats shall be reserved for women in the Council. One-third shall be non-tribals.</p>
<p>tj_civ Civil & Political Rights</p>	<p>Page 1; [Untitled Preamble]</p> <p>Under the framework of the Constitution of Bangladesh and keeping full and firm confidence in the sovereignty and integrity of Bangladesh, to uphold the political, social, cultural, educational and economic rights of all the people of Chittagong Hill Tracts region and to expedite socio-economic development process and to preserve and respect the rights of all the citizens of Bangladesh and their development, the National Committee on Chittagong Hill Tracts, on behalf of the government of the People's Republic of Bangladesh, and Parbatya Chattagram Jana Sanghati Samity, on behalf of the inhabitants of Chittagong Hill Tracts, have reached the following agreement in four parts (A, B, C, D):</p> <p>Page 2-3; B)(Kha) CHITTAGONG HILL TRACTS LOCAL GOVERNMENT COUNCIL/ HILL DISTRICT COUNCIL</p> <p>4. [...] d. Following sub-section shall be added in the section 4: Whether a person is a non-tribal shall be determined, along with the identity of non-tribal to which he belongs, by the concerned Circle Chief on the provision of submission of certificate from concerned Headman/Pourasabha Chairman/Union Parishad Chairman and no person can be a candidate for the office of the non-tribal member without a certificate from the concerned Circle Chief in this behalf.</p> <p>9. The existing section 17 shall be replaced with the sentences as mentioned below: A person shall, under the law, be eligible to be enrolled in the electoral roll, if (1) he is a citizen of Bangladesh; (2) he age is not less than 18 years; (3) he is not declared mentally unsound by any competent court; (4) he is a permanent resident of Hill District.</p>

Page 1; [Untitled Preamble]

Under the framework of the Constitution of Bangladesh and keeping full and firm confidence in the sovereignty and integrity of Bangladesh, to uphold the political, social, cultural, educational and economic rights of all the people of Chittagong Hill Tracts region and to expedite socio-economic development process and to preserve and respect the rights of all the citizens of Bangladesh and their development, the National Committee on Chittagong Hill Tracts, on behalf of the government of the People's Republic of Bangladesh, and Parbatya Chattagram Jana Sanghati Samity, on behalf of the inhabitants of Chittagong Hill Tracts, have reached the following agreement in four parts (A, B, C, D):

Page 5; B) (Kha) CHITTAGONG HILL TRACTS LOCAL GOVERNMENT COUNCIL/HILL DISTRICT COUNCIL

26. Section 64 shall be amended as follows:

a) Notwithstanding anything contained in any law for the time being in force, no land, including those land suitable for giving settlement, within the boundaries of Hill District shall be given in settlement including giving lease, purchased, sold and transferred without prior approval of the Council; provided that this provision shall not be applicable in case of areas within the reserved forests, Kaptai Hydroelectricity Project, Bethunia Earth Satellite Station, State-owned industries and factories and lands recorded in the name of government.

tj_esc

Economic, Social & Cultural Rights

b) Notwithstanding anything contained in any law for the being in force, no lands, hills and forests within the control and jurisdiction of the Hill District Council shall be acquired or transferred by the government without consultation and consent of the Hill District Council.

c) The council can supervise and control functions of Headman, Chainman, Amin, Surveyor, Kanungo and Assistant Commissioner (land).

d) Fringe land in Kaptai Lake shall be given settlement on priority basis to original owners.

27. Section 65 shall be amended as follows: Notwithstanding anything contained in any other law of for the time being in force, responsibility of collecting land development tax shall be entrusted in the Council and the said tax collected in the District shall remain in the account of the Council.

Page 10; D) (Gha) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS

2. After signing and implementation of the agreement between the government and the Jana Sanghati Samiti, and after rehabilitation of the tribal refugees and internally displaced tribal people, the government, in consultation with the Regional Council to be formed as per this agreement, shall start cadastral survey in CHT as soon as possible and after finalization of land ownership of tribal people by settlement of land dispute through proper verification, shall record their land and ensure their land rights.

3. The government, to ensure the land rights of the tribal families which are landless or possess less than 2 acres of land, shall provide two acres of land to each such family, provided that lands are available in the locality. If requisite lands are not available then grove land shall be provided.

tj_vic

Victims & Reparations

Page 11; D) (Gha) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS

7. The tribal refugees who received loans from the government but could not utilize them properly due to conflicting situation shall be exempted from repayment of loans and interests.

		<p align="center">Page 10-11, D) (Gha) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS</p> <p>1. An agreement has been signed between the government and the [sic] refugee leaders on March 9, 1997 with an aim to take back the tribal refugees from India's Tripura State based on the 20-point Facilities Package. In accordance with the said agreement repatriation of the refugees started since March 28, 1997. This process shall continue and with this in view, the Jana Sanghati Samiti shall provide all kinds of possible cooperation. The Task Force shall, after determination, rehabilitate the internally displaced tribal people of three districts.</p> <p>2. After signing and implementation of the agreement between the government and the Jana Sanghati Samiti, and after rehabilitation of the tribal refugees and internally displaced tribal people, the government, in consultation with the Regional Council to be formed as per this agreement, shall start cadastral survey in CHT as soon as possible and after finalization of land ownership of tribal people by settlement of land dispute through proper verification, shall record their land and ensure their land rights.</p> <p>4. A commission (Land Commission) headed by a retired justice shall be formed for settling land disputes. This commission, in addition to settling disputes of lands of the rehabilitated tribal refugees, shall have full power for cancellation of ownership of those lands and hills which have been so far illegally settled and occupied. No appeal can be made against the judgement of this commission and decision of this commission shall be final. This shall also be applicable in case of fringe land.</p> <p>7. The tribal refugees who received loans from the government but could not utilize them properly due to conflicting situation shall be exempted from repayment of loans and interests.</p>
tj_ref	Refugees & Internally Displaced Persons	
tj_tru	Truth & Reconciliation Commission	
tj_rec	Reconciliation	
tj_pro	Protection Measures	<p align="center">Page 1; A) (Ka) GENERAL</p> <p>1. Both the sides have recognised the need for protecting the characteristics and attaining overall development of the region considering Chittagong Hill Tracts as a tribal inhabited region.</p> <p align="center">Page 6; B)(Kha) CHITTAGONG HILL TRACTS LOCAL GOVERNMENT COUNCIL/ HILL DISTRICT COUNCIL</p> <p>34. The following subjects shall be added in the functions and responsibilities of the Hill District Council: [...] d) Youth Welfare</p>
tr_con	Constitutional Reform	

tr_leg	Legislative Branch Reform
tr_exe	Executive Branch Reform
tr_jud	Judiciary Reform
tr_adm	<p>Public Administration Reform</p> <p>Page 2-7; B)(Kha) CHITTAGONG HILL TRACTS LOCAL GOVERNMENT COUNCIL/ HILL DISTRICT COUNCIL</p> <p>Both sides have reached agreement with regard to changing, amending, incorporating and omitting the Hill District Local Government Council Acts 1989 (Rangamati Hill District Local Government Council Act 1989, Bandarban Hill District Local Government Council Act 1989, Khagrachhari Hill District Local Government Council Act 1989) and its different sections which were in existence before this agreement came into being, as below: [...]</p> <p>Page 7-9; C) (Ga) THE CHITTAGONG HILL TRACTS REGIONAL COUNCIL [...]</p>
tr_mil	Military Reform
tr_pol	<p>Page 5; B)(Kha) CHITTAGONG HILL TRACTS LOCAL GOVERNMENT COUNCIL/ HILL DISTRICT COUNCIL</p> <p>24. a) By amendment, sub-section (1) of section 62 shall be made as follows: Notwithstanding anything contained in any Act for the time being in force, all members of the rank of Sub-Inspector and below of Hill District Police shall be appointed by the Council in manner laid down by regulations, and the Council may transfer and take disciplinary action against them as per procedure laid down by regulations; provided that in the manner of such appointment tribals shall be given priority. [...]</p> <p>Page 6; B)(Kha) CHITTAGONG HILL TRACTS LOCAL GOVERNMENT COUNCIL/ HILL DISTRICT COUNCIL</p> <p>34. The following subjects shall be added in the functions and responsibilities of the Hill District Council: [...] b) Police (local)</p>

Page 11-12; D) (Gha) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS

tr_edu Education Reform

10. Quota reservation and scholarships: Until development equals that of other regions of the country the government shall continue reservation of quota system in government services and educational institutions for the tribals. For this purpose, the government shall grant more scholarships for the tribal students in the educational institutions. The government shall provide necessary scholarships for research works and higher education abroad.

16. After the return of all JSS members to normal life general amnesty shall be given to them and to the permanent residents who were involved in the activities of the Jana Sanghati Samiti.

[...]

g) Educational facilities shall be provided for the children of the Jana Sanghati Samity members and the certificates obtained from foreign board and educational institutions shall be considered as valid.

tr_med Media Reform

Page 11-13; D) (Gha) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS

tr_ddd Demobilization, Disarmament & Reintegration

12. The Jana Samhati Samiti shall submit to the government the lists of all its members including the armed ones and the arms and ammunition under its possession and control within 45 days of signing this agreement.

13. The government and the Jana Samhati Samiti shall jointly determine the date and place for depositing arms within the 45 days of signing this agreement. After determination of date and place for depositing arms by the members included in the list of the Jana Samhati Samiti the government shall ensure security for return of JSS members and their family members to normal life.

14. The government shall declare amnesty for the members who shall deposit their arms and ammunition on the scheduled date. The government shall withdraw the cases against whom cases have been lodged.

15. If anyone fails to deposit arms on the scheduled date the government shall take lawful measures against him.

16. After the return of all JSS members to normal life general amnesty shall be given to them and to the permanent residents who were involved in the activities of the Jana Sanghati Samiti.

a) In order to provide rehabilitation to all returnee JSS members a lump sum of Taka 50,000/- shall be given to each family.

b) All cases, warrants of arrest, held against any armed member or general member of the Jana Sanghati Samiti shall be withdrawn and punishment given after trial in absentia shall be exempted after surrender of arms and coming back to normal life as soon as possible. Any member of the Jana Sanghati Samiti in jail shall be released.

c) Similarly, after surrendering arms and coming back to normal life, no case can be filed or no punishment can be given to any person for merely being a member of the Jana Sanghati Samiti.

d) The loans obtained by the members of the Jana Sanghati Samity from different government banks or other agencies but could not be utilised owing to conflicting situation would be exempted with interest.

e) Those members of the PCJSS who were employed in various government jobs shall be absorbed in their respective posts and the eligible members of

	<p>their family shall be given jobs as per their qualifications. In such cases, the government principles regarding relaxation of age would be followed.</p> <p>f) Bank loans of soft terms shall be given to the members of the PCJSS for cottage industry and horticulture and other such self-employment generating activities.</p> <p>g) Educational facilities shall be provided for the children of the Jana Sanghati Samity members and the certificates obtained from foreign board and educational institutions shall be considered as valid.</p> <p>17. a) After signing of the agreement between the government and the Jana Sanghati Samiti and immediately after the return of the JSS members to normal life, all the temporary camps of military, Ansar and Village Defence Party shall be taken back to permanent installations except the border security force (BDR) and permanent cantonments (three at the three District Headquarters and Alikadam, Ruma and Dighinala) by phases and with this in view, the time limit shall be determined. In case of deterioration of the law and order situation, natural calamity and such other works the army can be deployed under the civil administration like all other parts of the country as per relevant laws and rules. In this case, the Regional Council may, according to the necessity or time, request the proper authority for the purpose of getting assistance.</p> <p>b) The lands of camps and cantonments to be abandoned by military or para-military forces shall be either returned to the original owners or to the Hill District Councils.</p>
<p>tr_tim</p> <p>Transitional Timeline</p>	<p>Page 11-13; D) (Gha) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS</p> <p>12. The Jana Samhati Samiti shall submit to the government the lists of all its members including the armed ones and the arms and ammunition under its possession and control within 45 days of signing this agreement.</p> <p>13. The government and the Jana Samhati Samiti shall jointly determine the date and place for depositing arms within the 45 days of signing this agreement. After determination of date and place for depositing arms by the members included in the list of the Jana Samhati Samiti the government shall ensure security for return of JSS members and their family members to normal life.</p> <p>17. a) After signing of the agreement between the government and the Jana Sanghati Samiti and immediately after the return of the JSS members to normal life, all the temporary camps of military, Ansar and Village Defence Party shall be taken back to permanent installations except the border security force (BDR) and permanent cantonments (three at the three District Headquarters and Alikadam, Ruma and Dighinala) by phases and with this in view, the time limit shall be determined. [...]</p>
<p>tr_epr</p> <p>Electoral & Political Party Reform</p>	<p>Page 2-3; B)(Kha) CHITTAGONG HILL TRACTS LOCAL GOVERNMENT COUNCIL/ HILL DISTRICT COUNCIL</p> <p>6. The words “to Divisional Commissioner of Chittagong” will be replaced by “as per election rules” in the fourth line of section 8.</p> <p>9. The existing section 17 shall be replaced with the sentences as mentioned below: A person shall, under the law, be eligible to be enrolled in the electoral roll, if (1) he is a citizen of Bangladesh; (2) he age is not less than 18 years; (3) he is not declared mentally unsound by any competent court; (4) he is a permanent resident of Hill District.</p> <p>10. The words “determination of electoral constituency” shall be added in the sub-section (2) of section 20.</p> <p>Page 9; C) (Ga) THE CHITTAGONG HILL TRACTS REGIONAL COUNCIL</p>

12. Until Regional Council is constituted through direct and indirect election the government may, by constituting an interim Regional Council, entrust the responsibilities of the Council on it. [...]

Page 1; [Untitled Preamble]

[...] to uphold the political, social, cultural, educational and economic rights of all the people of Chittagong Hill Tracts region and to expedite socio- economic development process and to preserve and respect the rights of all the citizens of Bangladesh [...]

Page 1; A) (Ka) GENERAL

1. Both the sides have recognised the need for protecting the characteristics and attaining overall development of the region considering Chittagong Hill Tracts as a tribal inhabited region.

Page 4; B)(Kha) CHITTAGONG HILL TRACTS LOCAL GOVERNMENT COUNCIL/ HILL DISTRICT COUNCIL

19. In section 42 the following sub-section shall be added: The Council with the fund received from the government shall formulate, initiate and implement development projects on the subjects transferred and all the development works initiated at the national level shall be implemented by the concerned ministry/department through the Council.

Page 5; B)(Kha) CHITTAGONG HILL TRACTS LOCAL GOVERNMENT COUNCIL/ HILL DISTRICT COUNCIL

26. Section 64 shall be amended as follows:

a) Notwithstanding anything contained in any law for the time being in force, no land, including those land suitable for giving settlement, within the boundaries of Hill District shall be given in settlement including giving lease, purchased, sold and transferred without prior approval of the Council; provided that this provision shall not be applicable in case of areas within the reserved forests, Kaptai Hydroelectricity Project, Bethunia Earth Satellite Station, State-owned industries and factories and lands recorded in the name of government.

b) Notwithstanding anything contained in any law for the being in force, no lands, hills and forests within the control and jurisdiction of the Hill District Council shall be acquired or transferred by the government without consultation and consent of the Hill District Council.

c) The council can supervise and control functions of Headman, Chainman, Amin, Surveyor, Kanungo and Assistant Commissioner (land).

d) Fringe land in Kaptai Lake shall be given settlement on priority basis to original owners.

Page 6-7; B)(Kha) CHITTAGONG HILL TRACTS LOCAL GOVERNMENT COUNCIL/ HILL DISTRICT COUNCIL

34. The following subjects shall be added in the functions and responsibilities of the Hill District Council:

a) Land and land management

b) Police (local)

c) Tribal law and social justice

d) Youth Welfare

e) Environment preservation and development

f) Local tourism

g) Improvement trust and other local government institutions except Poursabha and Union Councils

h) Licensing for local trade and business

i) Proper utilization of water resources of rivulets, canals, ponds and irrigation except Kaptai lake

tr_dev

Socio-Economic
Development

- j) Preservation of death and birth and other statistics
- k) Money lending and trade
- l) Jhum Cultivation.

Page 8-9; C) (Ga) THE CHITTAGONG HILL TRACTS REGIONAL COUNCIL

9. a) The Council, including coordination of all development activities conducted under the three Hill District Councils, shall supervise and coordinate the subjects vested upon the Hill District Councils. Besides these, if any lack of coordination and inconsistency is found among the Hill District Councils in discharging their responsibilities the decision of the Regional Council shall be taken as final.

[...]

c) Regional Council can coordinate and supervise in the matters of general administration, law and order and development of the three Hill Districts.

d) The Council can conduct programmes related to disaster management and relief, and also coordinate the activities of the NGOs.

[...]

f) The Council can issue license for heavy industry.

10. The Chittagong Hill Tracts Development Board shall discharge its responsibilities under general and overall supervision of the Council. In case of appointment of Chairman of the Development Board, the government shall give priority to competent tribal candidates.

Page 9; C) (Ga) THE CHITTAGONG HILL TRACTS REGIONAL COUNCIL

13. The fund of the Council shall be created from the following sources:

[...]

b. money or profits from all properties vested in and managed by the Regional Council

[...]

e. profit accruing from investment by the Regional Council

Page 10; D) (Gha) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS

2. After signing and implementation of the agreement between the government and the Jana Sanghati Samiti, and after rehabilitation of the tribal refugees and internally displaced tribal people, the government, in consultation with the Regional Council to be formed as per this agreement, shall start cadastral survey in CHT as soon as possible and after finalization of land ownership of tribal people by settlement of land dispute through proper verification, shall record their land and ensure their land rights.

3. The government, to ensure the land rights of the tribal families which are landless or possess less than 2 acres of land, shall provide two acres of land to each such family, provided that lands are available in the locality. If requisite lands are not available then grove land shall be provided.

4. A commission (Land Commission) headed by a retired justice shall be formed for settling land disputes. This commission, in addition to settling disputes of lands of the rehabilitated tribal refugees, shall have full power for cancellation of ownership of those lands and hills which have been so far illegally settled and occupied. No appeal can be made against the judgement of this commission and decision of this commission shall be final. This shall also be applicable in case of fringe land.

Page 11, D) (Gha) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS

7. The tribal refugees who received loans from the government but could not utilize them properly due to conflicting situation shall be exempted from repayment of loans and interests.

	<p>8. Allotment of lands for rubber plantation and other purposes: Settlement of land, of those non-tribals and non-locals who were given settlement of lands for rubber plantation and other purposes but had not undertake project within the past 10 years or had not utilized their lands properly, shall be cancelled.</p> <p>9. The government shall allot additional funds on priority basis for implementation of increased number of projects in CHT. New projects formulated with an aim to make necessary infrastructures for facilitating development in the area shall be implemented on priority basis and the government shall provide funds for these purposes. The government shall, considering the state of environment in the region, encourage developing tourism for tourists from within the country and abroad.</p> <p>10. Quota reservation and scholarships: Until development equals that of other regions of the country the government shall continue reservation of quota system in government services and educational institutions for the tribals. For this purpose, the government shall grant more scholarships for the tribal students in the educational institutions. The government shall provide necessary scholarships for research works and higher education abroad.</p>
<p>tr_cul</p> <p>Cultural Heritage/ Protections</p>	<p>Page 1; A) (Ka) GENERAL</p> <p>1. Both the sides have recognised the need for protecting the characteristics and attaining overall development of the region considering Chittagong Hill Tracts as a tribal inhabited region.</p> <p>Page 11; D) (Gha) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS</p> <p>11. The government and the elected representatives shall be active to preserve the distinctiveness of the tribal culture and heritage. The government in order to develop the tribal cultural activities at the national level shall provide necessary patronization and assistance.</p>
<p>tr_fin</p> <p>Financial Arrangements</p>	<p>Page 4-5; B)(Kha) CHITTAGONG HILL TRACTS LOCAL GOVERNMENT COUNCIL/ HILL DISTRICT COUNCIL</p> <p>18. Sub-section (3) of section 38 shall be repealed and by amendment, the sub-section (4) shall be framed as follows: At any time before the expiry of the financial year, if deemed necessary, budget may be formulated and sanctioned.</p> <p>27. Section 65 shall be amended as follows: Notwithstanding anything contained in any other law of for the time being in force, responsibility of collecting land development tax shall be entrusted in the Council and the said tax collected in the District shall remain in the account of the Council.</p> <p>Page 7; B)(Kha) CHITTAGONG HILL TRACTS LOCAL GOVERNMENT COUNCIL/ HILL DISTRICT COUNCIL</p> <p>35. The following sectors and sources shall be included in the taxes, rates, tolls and fees to be imposed by the Council as stated in the second schedule:</p> <ul style="list-style-type: none"> a) Registration fee from non-mechanical transports b) Tax on sale and purchase of goods c) Holding tax from land and buildings d) Tax on sale of domestic animals e) Fees from cases of social justice f) Holding tax on government and non-government industries g) Part of royalty from forest resources h) Supplementary tax from cinema, theatre and circus, etc. i) Part of royalty from license or lease given by the government for exploration and extraction of mineral resources j) Tax from business k) Tax from lottery l) Tax from fishing

Page 9; C) (Ga) THE CHITTAGONG HILL TRACTS REGIONAL COUNCIL

13. The fund of the Council shall be created from the following sources:
- a) Fund received from the Hill District Councils' fund;
 - b) Money or profits from all properties vested in and managed by the Regional Council;
 - c) Grant and loan from the government or any other authority;
 - d) Grant from any institution or individual;
 - e) Profit accruing from investment by Regional Council;
 - f) Any other moneys received by the Regional Council;
 - g) Money received from such sources of incomes as the government may direct to be placed at the disposal of the Regional Council.

Page 12; D) (Gha) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS

16. 16. After the return of all JSS members to normal life general amnesty shall be given to them and to the permanent residents who were involved in the activities of the Jana Sanghati Samiti.
- [...]
- d) The loans obtained by the members of the Jana Sanghati Samity from different government banks or other agencies but could not be utilised owing to conflicting situation would be exempted with interest.
- [...]
- f) Bank loans of soft terms shall be given to the members of the PCJSS for cottage industry and horticulture and other such self-employment generating activities.

Page 10-11; D) (Gha) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS

tj_dsm

Dispute Settlement Mechanisms

4. A commission (Land Commission) headed by a retired justice shall be formed for settling land disputes. This commission, in addition to settling disputes of lands of the rehabilitated tribal refugees, shall have full power for cancellation of ownership of those lands and hills which have been so far illegally settled and occupied. No appeal can be made against the judgement of this commission and decision of this commission shall be final. This shall also be applicable in case of fringe land.
5. This commission shall be set up with the following members: Retired justice; Circle chief (concerned); Chairman of Regional Council/representative; Divisional Commissioner/Additional Commissioner Hill District Council Chairman (concerned)
6. a) The term of the commission shall be three years. But its term can be extended in consultation with the Regional Council.
- b) The Commission shall settle disputes according to the existing rules, customs and practices of Chittagong Hill Tracts.

ia_ver

Verification & Monitoring Mechanism

ia_pko

Peacekeeping

ia_adv

International
Assistance &
Advice

THE AGREEMENT REACHED IN THE MULTI-PARTY NEGOTIATIONS (GOOD FRIDAY AGREEMENT OR BELFAST AGREEMENT)

Page 7; STRAND ONE: DEMOCRATIC INSTITUTIONS IN NORTHERN IRELAND; The Assembly

4. The Assembly - operating where appropriate on a cross-community basis - will be the prime source of authority in respect of all devolved responsibilities.

Page 7; STRAND ONE: DEMOCRATIC INSTITUTIONS IN NORTHERN IRELAND; Safeguards

5. There will be safeguards to ensure that all sections of the community can participate and work together successfully in the operation of these institutions and that all sections of the community are protected, including:

(a) allocations of Committee Chairs, Ministers and Committee membership in proportion to party strengths;

[...]

(d) arrangements to ensure key decisions are taken on a cross-community basis;

(i) either parallel consent, i.e. a majority of those members present and voting, including a majority of the unionist and nationalist designations present and voting;

(ii) or a weighted majority (60%) of members present and voting, including at least 40% of each of the nationalist and unionist designations present and voting.

Key decisions requiring cross-community support will be designated in advance, including election of the Chair of the Assembly, the First Minister and Deputy First Minister, standing orders and budget allocations. In other cases such decisions could be triggered by a petition of concern brought by a significant minority of Assembly members (30/108).

[...]

ps_pol

Political Power-sharing

Page 8; STRAND ONE: DEMOCRATIC INSTITUTIONS IN NORTHERN IRELAND; Operation of the Assembly

6. At their first meeting, members of the Assembly will register a designation of identity - nationalist, unionist or other - for the purposes of measuring cross-community support in Assembly votes under the relevant provisions above.

7. The Chair and Deputy Chair of the Assembly will be elected on a cross-community basis, as set out in paragraph 5(d) above.

8. There will be a Committee for each of the main executive functions of the Northern Ireland Administration. The Chairs and Deputy Chairs of the Assembly Committees will be allocated proportionally, using the d'Hondt system. Membership of the Committees will be in broad proportion to party strengths in the Assembly to ensure that the opportunity of Committee places is available to all members.

11. The Assembly may appoint a special Committee to examine and report on whether a measure or proposal for legislation is in conformity with equality requirements, including the ECHR/Bill of Rights. The Committee shall have the power to call people and papers to assist in its consideration of the matter. The Assembly shall then consider the report of the Committee and can determine the matter in accordance with the cross-community consent procedure.

12. The above special procedure shall be followed when requested by the Executive Committee, or by the relevant Departmental Committee, voting on a cross-community basis.

13. When there is a petition of concern as in 5(d) above, the Assembly shall vote to determine whether the measure may proceed without reference to this

special procedure. If this fails to achieve support on a cross-community basis, as in 5(d)(i) above, the special procedure shall be followed.

Page 8-9; STRAND ONE: DEMOCRATIC INSTITUTIONS IN NORTHERN IRELAND, Executive Authority

14. Executive authority to be discharged on behalf of the Assembly by a First Minister and Deputy First Minister and up to ten Ministers with Departmental responsibilities.

15. The First Minister and Deputy First Minister shall be jointly elected into office by the Assembly voting on a cross-community basis, according to 5(d)(i) above.

16. Following the election of the First Minister and Deputy First Minister, the posts of Ministers will be allocated to parties on the basis of the d'Hondt system by reference to the number of seats each party has in the Assembly.

17. The Ministers will constitute an Executive Committee, which will be convened, and presided over, by the First Minister and Deputy First Minister.

18. The duties of the First Minister and Deputy First Minister will include, inter alia, dealing with and co-ordinating the work of the Executive Committee and the response of the Northern Ireland administration to external relationships.

19. The Executive Committee will provide a forum for the discussion of, and agreement on, issues which cut across the responsibilities of two or more Ministers, for prioritising executive and legislative proposals and for recommending a common position where necessary (e.g. in dealing with external relationships).

20. The Executive Committee will seek to agree each year, and review as necessary, a programme incorporating an agreed budget linked to policies and programmes, subject to approval by the Assembly, after scrutiny in Assembly Committees, on a cross-community basis.

21. A party may decline the opportunity to nominate a person to serve as a Minister or may subsequently change its nominee.
[...]

25. An individual may be removed from office following a decision of the Assembly taken on a cross-community basis, if (s)he loses the confidence of the Assembly, voting on a cross-community basis, for failure to meet his or her responsibilities including, inter alia, those set out in the Pledge of Office. Those who hold office should use only democratic, non-violent means, and those who do not should be excluded or removed from office under these provisions.
[...]

Page 9; STRAND ONE: DEMOCRATIC INSTITUTIONS IN NORTHERN IRELAND; Legislation

26. The Assembly will have authority to pass primary legislation for Northern Ireland in devolved areas, subject to:
[...]

(b) decisions by simple majority of members voting, except when decision on a cross-community basis is required;
[...]

Page 10; STRAND ONE: DEMOCRATIC INSTITUTIONS IN NORTHERN IRELAND; Relations with other institutions

30. Arrangements to represent the Assembly as a whole, at Summit level and in dealings with other institutions, will be in accordance with paragraph 18, and will be such as to ensure cross-community involvement.

Pages 13-15; STRAND TWO: NORTH/SOUTH MINISTERIAL COUNCIL

1. Under a new British/Irish Agreement dealing with the totality of relationships, and related legislation at Westminster and in the Oireachtas, a North/South Ministerial Council to be established to bring together those with executive responsibilities in Northern Ireland and the Irish Government, to develop consultation, co-operation and action within the island of Ireland - including through implementation on an all-island and cross-border basis - on matters of mutual interest within the competence of the Administrations, North and South.

2. All Council decisions to be by agreement between the two sides. Northern Ireland to be represented by the First Minister, Deputy First Minister and any relevant Ministers, the Irish Government by the Taoiseach and relevant Ministers, all operating in accordance with the rules for democratic authority and accountability in force in the Northern Ireland Assembly and the Oireachtas respectively. Participation in the Council to be one of the essential responsibilities attaching to relevant posts in the two Administrations. If a holder of a relevant post will not participate normally in the Council, the Taoiseach in the case of the Irish Government and the First and Deputy First Minister in the case of the Northern Ireland Administration to be able to make alternative arrangements.

3. The Council to meet in different formats:

- (i) in plenary format twice a year, with Northern Ireland representation led by the First Minister and Deputy First Minister and the Irish Government led by the Taoiseach;
- (ii) in specific sectoral formats on a regular and frequent basis with each side represented by the appropriate Minister;
- (iii) in an appropriate format to consider institutional or cross-sectoral matters (including in relation to the EU) and to resolve disagreement.

4. Agendas for all meetings to be settled by prior agreement between the two sides, but it will be open to either to propose any matter for consideration or action.

5. The Council:

- (i) to exchange information, discuss and consult with a view to co-operating on matters of mutual interest within the competence of both Administrations, North and South;
- (ii) to use best endeavours to reach agreement on the adoption of common policies, in areas where there is a mutual cross-border and all-island benefit, and which are within the competence of both Administrations, North and South, making determined efforts to overcome any disagreements;
- (iii) to take decisions by agreement on policies for implementation separately in each jurisdiction, in relevant meaningful areas within the competence of both Administrations, North and South;
- (iv) to take decisions by agreement on policies and action at an all-island and cross-border level to be implemented by the bodies to be established as set out in paragraphs 8 and 9 below.

6. Each side to be in a position to take decisions in the Council within the defined authority of those attending, through the arrangements in place for co-ordination of executive functions within each jurisdiction. Each side to remain accountable to the Assembly and Oireachtas respectively, whose approval, through the arrangements in place on either side, would be required for decisions beyond the defined authority of those attending.

7. As soon as practically possible after elections to the Northern Ireland Assembly, inaugural meetings will take place of the Assembly, the British/Irish Council and the North/South Ministerial Council in their transitional forms. All three institutions will meet regularly and frequently on this basis during the period between the elections to the Assembly, and the transfer of powers to the Assembly, in order to establish their modus operandi.

8. During the transitional period between the elections to the Northern Ireland Assembly and the transfer of power to it, representatives of the Northern Ireland transitional Administration and the Irish Government operating in the North/South Ministerial Council will undertake a work programme, in consultation with the British Government, covering at least 12 subject areas, with a view to identifying and agreeing by 31 October 1998 areas where co-

operation and implementation for mutual benefit will take place. Such areas may include matters in the list set out in the Annex.

9. As part of the work programme, the Council will identify and agree at least 6 matters for co- operation and implementation in each of the following categories:

- (i) Matters where existing bodies will be the appropriate mechanisms for co-operation in each separate jurisdiction;
- (ii) Matters where the co-operation will take place through agreed implementation bodies on a cross-border or all-island level.

10. The two Governments will make necessary legislative and other enabling preparations to ensure, as an absolute commitment, that these bodies, which have been agreed as a result of the work programme, function at the time of the inception of the British-Irish Agreement and the transfer of powers, with legislative authority for these bodies transferred to the Assembly as soon as possible thereafter. Other arrangements for the agreed co-operation will also commence contemporaneously with the transfer of powers to the Assembly.

11. The implementation bodies will have a clear operational remit. They will implement on an all-island and cross-border basis policies agreed in the Council.

12. Any further development of these arrangements to be by agreement in the Council and with the specific endorsement of the Northern Ireland Assembly and Oireachtas, subject to the extent of the competences and responsibility of the two Administrations.

[...]

14. Disagreements within the Council to be addressed in the format described at paragraph 3(iii) above or in the plenary format. By agreement between the two sides, experts could be appointed to consider a particular matter and report.

[...]

18. The Northern Ireland Assembly and the Oireachtas to consider developing a joint parliamentary forum, bringing together equal numbers from both institutions for discussion of matters of mutual interest and concern.

19. Consideration to be given to the establishment of an independent consultative forum appointed by the two Administrations, representative of civil society, comprising the social partners and other members with expertise in social, cultural, economic and other issues.

Page 15; ANNEX

Areas for North-South co-operation and implementation may include the following:

1. Agriculture - animal and plant health.
2. Education - teacher qualifications and exchanges.
3. Transport - strategic transport planning.
4. Environment - environmental protection, pollution, water quality, and waste management.
5. Waterways - inland waterways.
6. Social Security/Social Welfare - entitlements of cross-border workers and fraud control.
7. Tourism - promotion, marketing, research, and product development.
8. Relevant EU Programmes such as SPPR, INTERREG, Leader II and their successors.
9. Inland Fisheries.
10. Aquaculture and marine matters
11. Health: accident and emergency services and other related cross-border issues.
12. Urban and rural development.

Others to be considered by the shadow North/ South Council.

[...]

<p>ps_eco</p>	<p>Economic Power-sharing</p>
<p>ps_mil</p>	<p>Military Power-sharing</p>
<p>tj_amn</p>	<p>Amnesty</p>
<p>tj_pri</p>	<p>Prisoner Release</p> <p>Page 28, ANNEX B: REVIEW OF THE CRIMINAL JUSTICE SYSTEM; PRISONERS</p> <p>1. Both Governments will put in place mechanisms to provide for an accelerated programme for the release of prisoners, including transferred prisoners, convicted of scheduled offences in Northern Ireland or, in the case of those sentenced outside Northern Ireland, similar offences (referred to hereafter as qualifying prisoners). Any such arrangements will protect the rights of individual prisoners under national and international law.</p> <p>2. Prisoners affiliated to organisations which have not established or are not maintaining a complete and unequivocal ceasefire will not benefit from the arrangements. The situation in this regard will be kept under review.</p> <p>3. Both Governments will complete a review process within a fixed time frame and set prospective release dates for all qualifying prisoners. The review process would provide for the advance of the release dates of qualifying prisoners while allowing account to be taken of the seriousness of the offences for which the person was convicted and the need to protect the community. In addition, the intention would be that should the circumstances allow it, any qualifying prisoners who remained in custody two years after the commencement of the scheme would be released at that point.</p> <p>4. The Governments will seek to enact the appropriate legislation to give effect to these arrangements by the end of June 1998.</p> <p>5. The Governments continue to recognise the importance of measures to facilitate the reintegration of prisoners into the community by providing support both prior to and after release, including assistance directed towards availing of employment opportunities, re-training and/or re-skilling, and further education.</p>
<p>tj_hum</p>	<p>Human Rights</p> <p>Page 2; DECLARATION OF SUPPORT</p> <p>2. The tragedies of the past have left a deep and profoundly regrettable legacy of suffering. We must never forget those who have died or been injured, and their families. But we can best honour them through a fresh start, in which we firmly dedicate ourselves to the achievement of reconciliation, tolerance, and mutual trust, and to the protection and vindication of the human rights of all.</p> <p>Page 7; STRAND ONE: DEMOCRATIC INSTITUTIONS IN NORTHERN IRELAND; Safeguards</p> <p>5. There will be safeguards to ensure that all sections of the community can participate and work together successfully in the operation of these institutions and that all sections of the community are protected, including:</p>

[...]

(b) the European Convention on Human Rights (ECHR) and any Bill of Rights for Northern Ireland supplementing it, which neither the Assembly nor public bodies can infringe, together with a Human Rights Commission;

(c) arrangements to provide that key decisions and legislation are proofed to ensure that they do not infringe the ECHR and any Bill of Rights for Northern Ireland;

[...]

Page 8; STRAND ONE: DEMOCRATIC INSTITUTIONS IN NORTHERN IRELAND; Operation of the Assembly

11. The Assembly may appoint a special Committee to examine and report on whether a measure or proposal for legislation is in conformity with equality requirements, including the ECHR/Bill of Rights. The Committee shall have the power to call people and papers to assist in its consideration of the matter. The Assembly shall then consider the report of the Committee and can determine the matter in accordance with the cross-community consent procedure.

Page 9; STRAND ONE: DEMOCRATIC INSTITUTIONS IN NORTHERN IRELAND; Legislation

26. The Assembly will have authority to pass primary legislation for Northern Ireland in devolved areas, subject to:

(a) the ECHR and any Bill of Rights for Northern Ireland supplementing it which, if the courts found to be breached, would render the relevant legislation null and void; [...]

Page 11; STRAND ONE: DEMOCRATIC INSTITUTIONS IN NORTHERN IRELAND; Annex A: Pledge of Office

To pledge: [...]

(c) to serve all the people of Northern Ireland equally, and to act in accordance with the general obligations on government to promote equality and prevent discrimination;

Page 18; RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY; Human Rights

1. The parties affirm their commitment to the mutual respect, the civil rights and the religious liberties of everyone in the community. Against the background of the recent history of communal conflict, the parties affirm in particular:

[...]

Page 18; RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY; United Kingdom Legislation

2. The British Government will complete incorporation into Northern Ireland law of the European Convention on Human Rights (ECHR), with direct access to the courts, and remedies for breach of the Convention, including power for the courts to overrule Assembly legislation on grounds of inconsistency.

3. Subject to the outcome of public consultation underway, the British Government intends, as a particular priority, to create a statutory obligation on public authorities in Northern Ireland to carry out all their functions with due regard to the need to promote equality of opportunity in relation to religion and political opinion; gender; race; disability; age; marital status; dependants; and sexual orientation. [...]

4. The new Northern Ireland Human Rights Commission (see paragraph 5 below) will be invited to consult and to advise on the scope for defining, in Westminster legislation, rights supplementary to those in the European Convention on Human Rights, to reflect the particular circumstances of

Northern Ireland, drawing as appropriate on international instruments and experience. These additional rights to reflect the principles of mutual respect for the identity and ethos of both communities and parity of esteem, and - taken together with the ECHR - to constitute a Bill of Rights for Northern Ireland. Among the issues for consideration by the Commission will be:

- the formulation of a general obligation on government and public bodies fully to respect, on the basis of equality of treatment, the identity and ethos of both communities in Northern Ireland; and
- a clear formulation of the rights not to be discriminated against and to equality of opportunity in both the public and private sectors.

**Page 18; RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY;
Comparable Steps by the Irish Government**

9. The Irish Government will also take steps to further strengthen the protection of human rights in its jurisdiction. The Government will, taking account of the work of the All-Party Oireachtas Committee on the Constitution and the Report of the Constitution Review Group, bring forward measures to strengthen and underpin the constitutional protection of human rights. These proposals will draw on the European Convention on Human Rights and other international legal instruments in the field of human rights and the question of the incorporation of the ECHR will be further examined in this context. The measures brought forward would ensure at least an equivalent level of protection of human rights as will pertain in Northern Ireland. In addition, the Irish Government will:

- establish a Human Rights Commission with a mandate and remit equivalent to that within Northern Ireland;
[...]

**Page 19; RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY;
New Institutions in Northern Ireland**

5. A new Northern Ireland Human Rights Commission, with membership from Northern Ireland reflecting the community balance, will be established by Westminster legislation, independent of Government, with an extended and enhanced role beyond that currently exercised by the Standing Advisory Commission on Human Rights, to include keeping under review the adequacy and effectiveness of laws and practices, making recommendations to Government as necessary; providing information and promoting awareness of human rights; considering draft legislation referred to them by the new Assembly; and, in appropriate cases, bringing court proceedings or providing assistance to individuals doing so.

6. Subject to the outcome of public consultation currently underway, the British Government intends a new statutory Equality Commission to replace the Fair Employment Commission, the Equal Opportunities Commission (NI), the Commission for Racial Equality (NI) and the Disability Council. Such a unified Commission will advise on, validate and monitor the statutory obligation and will investigate complaints of default.

7. It would be open to a new Northern Ireland Assembly to consider bringing together its responsibilities for these matters into a dedicated Department of Equality.

8. These improvements will build on existing protections in Westminster legislation in respect of the judiciary, the system of justice and policing.

**Page 19; RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY; A
Joint Committee**

10. It is envisaged that there would be a joint committee of representatives of the two Human Rights Commissions, North and South, as a forum for consideration of human rights issues in the island of Ireland. The joint committee will consider, among other matters, the possibility of establishing a charter, open to signature by all democratic political parties, reflecting and

endorsing agreed measures for the protection of the fundamental rights of everyone living in the island of Ireland.

Page 23; POLICING AND JUSTICE

2. [...] These arrangements should be based on principles of protection of human rights and professional integrity and should be unambiguously accepted and actively supported by the entire community.

Page 31; ANNEX: AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF IRELAND; ARTICLE 1

The two Governments:

[...]

(v) affirm that whatever choice is freely exercised by a majority of the people of Northern Ireland, the power of the sovereign government with jurisdiction there shall be exercised with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions and shall be founded on the principles of full respect for, and equality of, civil, political, social and cultural rights, of freedom from discrimination for all citizens, and of parity of esteem and of just and equal treatment for the identity, ethos and aspirations of both communities; [...]

Page 19; ; RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY; Comparable Steps by the Irish Government

9. The Irish Government will also take steps to further strengthen the protection of human rights in its jurisdiction. The Government will, taking account of the work of the All-Party Oireachtas Committee on the Constitution and the Report of the Constitution Review Group, bring forward measures to strengthen and underpin the constitutional protection of human rights. These proposals will draw on the European Convention on Human Rights and other international legal instruments in the field of human rights and the question of the incorporation of the ECHR will be further examined in this context. The measures brought forward would ensure at least an equivalent level of protection of human rights as will pertain in Northern Ireland. In addition, the Irish Government will:

- proceed with arrangements as quickly as possible to ratify the Council of Europe Framework Convention on National Minorities (already ratified by the UK);

tj_min

Indigenous &
Minority Rights

Page 21; RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY; Economic, Social and Cultural Issues

3. All participants recognise the importance of respect, understanding and tolerance in relation to linguistic diversity, including in Northern Ireland, the Irish language, Ulster-Scots and the languages of the various ethnic communities, all of which are part of the cultural wealth of the island of Ireland.

4. In the context of active consideration currently being given to the UK signing the Council of Europe Charter for Regional or Minority Languages, the British Government will in particular in relation to the Irish language, where appropriate and where people so desire it:

- take resolute action to promote the language;
- facilitate and encourage the use of the language in speech and writing in public and private life where there is appropriate demand;
- seek to remove, where possible, restrictions which would discourage or work against the maintenance or development of the language;
- make provision for liaising with the Irish language community, representing their views to public authorities and investigating complaints;

- place a statutory duty on the Department of Education to encourage and facilitate Irish medium education in line with current provision for integrated education;
- explore urgently with the relevant British authorities, and in co-operation with the Irish broadcasting authorities, the scope for achieving more widespread availability of Teilifis na Gaeilge in Northern Ireland;
- seek more effective ways to encourage and provide financial support for Irish language film and television production in Northern Ireland; and
- encourage the parties to secure agreement that this commitment will be sustained by a new Assembly in a way which takes account of the desires and sensitivities of the community.

Page 31; AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF IRELAND; ARTICLE 1

The two Governments:

[...]

(v) affirm that whatever choice is freely exercised by a majority of the people of Northern Ireland, the power of the sovereign government with jurisdiction there shall be exercised with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions and shall be founded on the principles of full respect for, and equality of, civil, political, social and cultural rights, of freedom from discrimination for all citizens, and of parity of esteem and of just and equal treatment for the identity, ethos, and aspirations of both communities;

Page 18; RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY; Human Rights

1. The parties affirm their commitment to the mutual respect, the civil rights and the religious liberties of everyone in the community. Against the background of the recent history of communal conflict, the parties affirm in particular:

- the right to equal opportunity in all social and economic activity, regardless of class, creed, disability, gender or ethnicity;
- the right of women to full and equal political participation.

Page 18; RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY; United Kingdom Legislation

3. Subject to the outcome of public consultation underway, the British Government intends, as a particular priority, to create a statutory obligation on public authorities in Northern Ireland to carry out all their functions with due regard to the need to promote equality of opportunity in relation to religion and political opinion; gender; race; disability; age; marital status; dependants; and sexual orientation. [...]

Page 20; RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY; Economic, Social and Cultural Issues

1. Pending the devolution of powers to a new Northern Ireland Assembly, the British Government will pursue broad policies for sustained economic growth and stability in Northern Ireland and for promoting social inclusion, including in particular community development and the advancement of women in public life.

tj_wom

Women's Rights & Gender Issues

tj_civ

Civil & Political Rights

Page 3; CONSTITUTIONAL ISSUES

1. The participants endorse the commitment made by the British and Irish Governments that, in a new British-Irish Agreement replacing the Anglo-Irish Agreement, they will:

(vi) recognise the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship is accepted by both Governments and would not be affected by any future change in the status of Northern Ireland.

**Page 18; RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY;
Human Rights**

1. The parties affirm their commitment to the mutual respect, the civil rights and the religious liberties of everyone in the community. Against the background of the recent history of communal conflict, the parties affirm in particular:

- the right of free political thought;
- the right to freedom and expression of religion;
- the right to pursue democratically national and political aspirations;
- the right to seek constitutional change by peaceful and legitimate means;
- the right to freely choose one's place of residence;
- the right to equal opportunity in all social and economic activity, regardless of class, creed, disability, gender or ethnicity;
- the right to freedom from sectarian harassment; and
- the right of women to full and equal political participation.

Page 30; AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF IRELAND

Reaffirming their commitment to the principles of partnership, equality and mutual respect and to the protection of civil, political, social, economic and cultural rights in their respective jurisdictions;

Page 30-31; AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF IRELAND; ARTICLE 1

The two Governments:

(i) recognise the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its status, whether they prefer to continue to support the Union with Great Britain or a sovereign united Ireland;

(ii) recognise that it is for the people of the island of Ireland alone, by agreement between the two parts respectively and without external impediment, to exercise their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland, if that is their wish, accepting that this right must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland;

(iii) acknowledge that while a substantial section of the people in Northern Ireland share the legitimate wish of a majority of the people of the island of Ireland for a united Ireland, the present wish of a majority of the people of Northern Ireland, freely exercised and legitimate, is to maintain the Union and accordingly, that Northern Ireland's status as part of the United Kingdom reflects and relies upon that wish; and that it would be wrong to make any change in the status of Northern Ireland save with the consent of a majority of its people;

(iv) affirm that, if in the future, the people of the island of Ireland exercise their right of self-determination on the basis set out in sections (i) and (ii) above to bring about a united Ireland, it will be a binding obligation on both Governments to introduce and support in their respective Parliaments legislation to give effect to that wish;

(v) affirm that whatever choice is freely exercised by a majority of the people of Northern Ireland, the power of the sovereign government with jurisdiction there shall be exercised with rigorous impartiality on behalf of all the people in

the diversity of their identities and traditions and shall be founded on the principles of full respect for, and equality of, civil, political, social and cultural rights, of freedom from discrimination for all citizens, and of parity of esteem and of just and equal treatment for the identity, ethos and aspirations of both communities;

(vi) recognise the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship is accepted by both Governments and would not be affected by any future change in the status of Northern Ireland.

Page 3; CONSTITUTIONAL ISSUES

1. The participants endorse the commitment made by the British and Irish Governments that, in a new British-Irish Agreement replacing the Anglo-Irish Agreement, they will:

(v) affirm that whatever choice is freely exercised by a majority of the people of Northern Ireland, the power of the sovereign government with jurisdiction there shall be exercised with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions and shall be founded on the principles of full respect for, and equality of, civil, political, social and cultural rights, of freedom from discrimination for all citizens, and of parity of esteem and of just and equal treatment for the identity, ethos, and aspirations of both communities;

Page 18; RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY; Human Rights

1. The parties affirm their commitment to the mutual respect, the civil rights and the religious liberties of everyone in the community. Against the background of the recent history of communal conflict, the parties affirm in particular:

- the right to freely choose one's place of residence;
- the right to equal opportunity in all social and economic activity, regardless of class, creed, disability, gender or ethnicity;
- the right to freedom from sectarian harassment; and
- the right of women to full and equal political participation.

tj_esc

Economic, Social &
Cultural Rights

Page 30; AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF IRELAND

Reaffirming their commitment to the principles of partnership, equality and mutual respect and to the protection of civil, political, social, economic and cultural rights in their respective jurisdictions;

Page 30-31; AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF IRELAND; ARTICLE 1

The two Governments:

(v) affirm that whatever choice is freely exercised by a majority of the people of Northern Ireland, the power of the sovereign government with jurisdiction there shall be exercised with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions and shall be founded on the principles of full respect for, and equality of, civil, political, social and cultural rights, of freedom from discrimination for all citizens, and of parity of esteem and of just and equal treatment for the identity, ethos and aspirations of both communities;

<p>tj_vic</p> <p>Victims & Reparations</p>	<p>Page 2; DECLARATION OF SUPPORT</p> <p>2. The tragedies of the past have left a deep and profoundly regrettable legacy of suffering. We must never forget those who have died or been injured, and their families. But we can best honour them through a fresh start, in which we firmly dedicate ourselves to the achievement of reconciliation, tolerance, and mutual trust, and to the protection and vindication of the human rights of all.</p> <p>Page 20; RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY; Reconciliation and Victims of Violence</p> <p>11. The participants believe that it is essential to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation. They look forward to the results of the work of the Northern Ireland Victims Commission.</p> <p>12. It is recognised that victims have a right to remember as well as to contribute to a changed society. The achievement of a peaceful and just society would be the true memorial to the victims of violence. The participants particularly recognise that young people from areas affected by the troubles face particular difficulties and will support the development of special community-based initiatives based on international best practice. The provision of services that are supportive and sensitive to the needs of victims will also be a critical element and that support will need to be channelled through both statutory and community-based voluntary organisations facilitating locally-based self-help and support networks. This will require the allocation of sufficient resources, including statutory funding as necessary, to meet the needs of victims and to provide for community-based support programmes.</p>
<p>tj_ref</p> <p>Refugees & Internally Displaced Persons</p>	
<p>tj_tru</p> <p>Truth & Reconciliation Commission</p>	
<p>tj_rec</p> <p>Reconciliation</p>	<p>Page 2; DECLARATION OF SUPPORT</p> <p>2. The tragedies of the past have left a deep and profoundly regrettable legacy of suffering. We must never forget those who have died or been injured, and their families. But we can best honour them through a fresh start, in which we firmly dedicate ourselves to the achievement of reconciliation, tolerance, and mutual trust, and to the protection and vindication of the human rights of all.</p> <p>5. We acknowledge the substantial differences between our continuing, and equally legitimate, political aspirations. However, we will endeavour to strive in every practical way towards reconciliation and rapprochement within the framework of democratic and agreed arrangements. [...]</p> <p>Page 20; RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY; Reconciliation and Victims of Violence</p> <p>11. The participants believe that it is essential to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation. They look forward to the results of the work of the Northern Ireland Victims Commission.</p>

[...]

13. The participants recognise and value the work being done by many organisations to develop reconciliation and mutual understanding and respect between and within communities and traditions, in Northern Ireland and between North and South, and they see such work as having a vital role in consolidating peace and political agreement. Accordingly, they pledge their continuing support to such organisations and will positively examine the case for enhanced financial assistance for the work of reconciliation. An essential aspect of the reconciliation process is the promotion of a culture of tolerance at every level of society, including initiatives to facilitate and encourage integrated education and mixed housing.

Page 2; DECLARATION OF SUPPORT

2. The tragedies of the past have left a deep and profoundly regrettable legacy of suffering. We must never forget those who have died or been injured, and their families. But we can best honour them through a fresh start, in which we firmly dedicate ourselves to the achievement of reconciliation, tolerance, and mutual trust, and to the protection and vindication of the human rights of all.

Page 3; CONSTITUTIONAL ISSUES

1. The participants endorse the commitment made by the British and Irish Governments that, in a new British-Irish Agreement replacing the Anglo-Irish Agreement, they will:

(vi) recognise the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship is accepted by both Governments and would not be affected by any future change in the status of Northern Ireland.

Page 7; STRAND ONE, DEMOCRATIC INSTITUTIONS IN NORTHERN IRELAND; Safeguards

5. There will be safeguards to ensure that all sections of the community can participate and work together successfully in the operation of these institutions and that all sections of the community are protected, including:

[...]

Page 18; RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY; United Kingdom Legislation

3. Subject to the outcome of public consultation underway, the British Government intends, as a particular priority, to create a statutory obligation on public authorities in Northern Ireland to carry out all their functions with due regard to the need to promote equality of opportunity in relation to religion and political opinion; gender; race; disability; age; marital status; dependants; and sexual orientation. [...]

Page 19; RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY; Comparable Steps by the Irish Government

9. The Irish Government will also take steps to further strengthen the protection of human rights in its jurisdiction. The Government will, taking account of the work of the All-Party Oireachtas Committee on the Constitution and the Report of the Constitution Review Group, bring forward measures to strengthen and underpin the constitutional protection of human rights. These proposals will draw on the European Convention on Human Rights and other international legal instruments in the field of human rights and the question of the incorporation of the ECHR will be further examined in this context. The measures brought forward would ensure at least an equivalent level of protection of human rights as will pertain in Northern Ireland. In addition, the Irish Government will:

[...]

tj_pro

Protection
Measures

- proceed with arrangements as quickly as possible to ratify the Council of Europe Framework Convention on National Minorities (already ratified by the UK);

Page 19; RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY; A Joint Committee

10. [...] The joint committee will consider, among other matters, the possibility of establishing a charter, open to signature by all democratic political parties, reflecting and endorsing agreed measures for the protection of the fundamental rights of everyone living in the island of Ireland.

Page 21; RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY; Economic, Social and Cultural Issues

3. All participants recognise the importance of respect, understanding and tolerance in relation to linguistic diversity, including in Northern Ireland, the Irish language, Ulster-Scots and the languages of the various ethnic communities, all of which are part of the cultural wealth of the island of Ireland.

4. In the context of active consideration currently being given to the UK signing the Council of Europe Charter for Regional or Minority Languages, the British Government will in particular in relation to the Irish language, where appropriate and where people so desire it:

- take resolute action to promote the language;
- facilitate and encourage the use of the language in speech and writing in public and private life where there is appropriate demand;
- seek to remove, where possible, restrictions which would discourage or work against the maintenance or development of the language;
- make provision for liaising with the Irish language community, representing their views to public authorities and investigating complaints;
- place a statutory duty on the Department of Education to encourage and facilitate Irish medium education in line with current provision for integrated education;
- explore urgently with the relevant British authorities, and in co-operation with the Irish broadcasting authorities, the scope for achieving more widespread availability of Teilifís na Gaeilige in Northern Ireland;
- seek more effective ways to encourage and provide financial support for Irish language film and television production in Northern Ireland; and
- encourage the parties to secure agreement that this commitment will be sustained by a new Assembly in a way which takes account of the desires and sensitivities of the community.

Page 23; POLICING AND JUSTICE

2. [...] These arrangements should be based on principles of protection of human rights and professional integrity and should be unambiguously accepted and actively supported by the entire community.

Page 3; CONSTITUTIONAL ISSUES

tr_con

Constitutional Reform

[...]

2. The participants also note that the two Governments have accordingly undertaken in the context of this comprehensive political agreement, to propose and support changes in, respectively, the Constitution of Ireland and in British legislation relating to the constitutional status of Northern Ireland.

**Page 4-6; CONSTITUTIONAL ISSUES; ANNEX B. IRISH GOVERNMENT
DRAFT LEGISLATION TO AMEND THE CONSTITUTION**

Add to Article 29 the following sections:

7.
[...]

2° Any institution established by or under the Agreement may exercise the powers and functions thereby conferred on it in respect of all or any part of the island of Ireland notwithstanding any other provision of this Constitution conferring a like power or function on any person or any organ of State appointed under or created or established by or under this Constitution. Any power or function conferred on such an institution in relation to the settlement or resolution of disputes or controversies may be in addition to or in substitution for any like power or function conferred by this Constitution on any such person or organ of State as aforesaid.

3° If the Government declare that the State has become obliged, pursuant to the Agreement, to give effect to the amendment of this Constitution referred to therein, then, notwithstanding Article 46 hereof, this Constitution shall be amended as follows:

i. the following Articles shall be substituted for Articles 2 and 3 of the Irish text:

Airteagal 2

Tá gach duine a shaolaítear in oileán na hÉireann, ar a n-áirítear a oileáin agus a fharraigí, i dteideal, agus tá de cheart oidhreacht aige nó aici, a bheith páirteach i náisiún na hÉireann. Tá an teideal sin freisin ag na daoine go léir atá cáilithe ar shlí eile de réir dlí chun bheith ina saoránaigh d'Éirinn. Ina theannta sin, is mór ag náisiún na hÉireann a choibhneas speisialta le daoine de bhunadh na hÉireann atá ina gcónaí ar an gcoigríoch agus arb ionann féiniúlacht agus oidhreacht chultúir dóibh agus do náisiún na hÉireann.

Airteagal 3

1. Is í toil dhiongbháilte náisiún na hÉireann, go sítheach cairdiúil, na daoine go léir a chomhroinneann críoch oileán na hÉireann i bpáirt lena chéile, in éagsúlacht uile a bhféiniúlachtaí agus a dtraidisiún, a aontú, á aithint gur trí mhodhanna síochánta amháin le toiliú throlmách na ndaoine, á chur in iúl go daonlathach, sa dá dhlíne san oileán, a dhéanfar Éire aontaithe a thabhairt i gcrích. Go dtí sin, bainfidh na dlíthe a achtófar ag an bParlaimint a bhunaítear leis an mBunreacht seo leis an limistéar feidhme céanna, agus beidh an raon feidhme céanna acu, lena bhain na dlíthe, agus a bhí ag na dlíthe, a d'achtaigh an Pharlaimint a bhí ar marthain díreach roimh theacht i ngníomh don Bhunreacht seo.

2. Féadfaidh údaráis fhreagracha faoi seach na ndlínsí sin institiúidí ag a mbeidh cumhachtaí agus feidhmeanna feidhmiúcháin a chomhroinntear idir na dlínsí sin a bhunú chun críoch sonrathaithe agus féadfaidh na hinstitiúidí sin cumhachtaí agus feidhmeanna a fheidhmiú i leith an oileáin ar fad nó i leith aon chuid de.

ii. the following Articles shall be substituted for Articles 2 and 3 of the English text:"

Article 2

It is the entitlement and birthright of every person born in the island of Ireland, which includes its islands and seas, to be part of the Irish nation. That is also the entitlement of all persons otherwise qualified in accordance with law to be citizens of Ireland. Furthermore, the Irish nation cherishes its special affinity with people of Irish ancestry living abroad who share its cultural identity and heritage."

Article 3

1. It is the firm will of the Irish nation, in harmony and friendship, to unite all the people who share the territory of the island of Ireland, in all the diversity of their identities and traditions, recognising that a united Ireland shall be brought

about only by peaceful means with the consent of a majority of the people, democratically expressed, in both jurisdictions in the island. Until then, the laws enacted by the Parliament established by this Constitution shall have the like area and extent of application as the laws enacted by the Parliament that existed immediately before the coming into operation of this Constitution.

2. Institutions with executive powers and functions that are shared between those jurisdictions may be established by their respective responsible authorities for stated purposes and may exercise powers and functions in respect of all or any part of the island."

iii. the following section shall be added to the Irish text of this Article:

"8 Tíg leis an Stát dlínse a fheidhmiú taobh amuigh dá chríoch de réir bhunrialacha gnáth-admhaithe an dlí idirnáisúnta."

and

iv. the following section shall be added to the English text of this Article:

"8. The State may exercise extra-territorial jurisdiction in accordance with the generally recognised principles of international law."

4. If a declaration under this section is made, this subsection and subsection 3, other than the amendment of this Constitution effected thereby, and subsection 5 of this section shall be omitted from every official text of this Constitution published thereafter, but notwithstanding such omission this section shall continue to have the force of law.

5. If such a declaration is not made within twelve months of this section being added to this Constitution or such longer period as may be provided for by law, this section shall cease to have effect and shall be omitted from every official text of this Constitution published thereafter.

Page 29; VALIDATION, IMPLEMENTATION AND REVIEW; Validation and Implementation

2. [...] The Irish Government will introduce and support in the Oireachtas a Bill to amend the Constitution as described in paragraph 2 of the section "Constitutional Issues" and in Annex B, as follows: (a) to amend Articles 2 and 3 as described in paragraph 8.1 in Annex B above and (b) to amend Article 29 to permit the Government to ratify the new British-Irish Agreement. On passage by the Oireachtas, the Bill will be put to referendum.

Page 31-32; Annex: AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF IRELAND; ARTICLE 4

(1) It shall be a requirement for entry into force of this Agreement that:

(a) British legislation shall have been enacted for the purpose of implementing the provisions of Annex A to the section entitled "Constitutional Issues" of the Multi-Party Agreement;

(b) the amendments to the Constitution of Ireland set out in Annex B to the section entitled "Constitutional Issues" of the Multi-Party Agreement shall have been approved by Referendum;

[...]

(3) Immediately on entry into force of this Agreement, the Irish Government shall ensure that the amendments to the Constitution of Ireland set out in Annex B to the section entitled "Constitutional Issues" of the Multi-Party Agreement take effect.

Page 7-10; STRAND ONE: DEMOCRATIC INSTITUTIONS IN NORTHERN IRELAND

1. This agreement provides for a democratically elected Assembly in Northern Ireland which is inclusive in its membership, capable of exercising executive and legislative authority, and subject to safeguards to protect the rights and interests of all sides of the community.

The Assembly

2. A 108 member Assembly will be elected by PR (STV) from existing Westminster constituencies.

3. The Assembly will exercise full legislative and executive authority in respect of those matters currently within the responsibility of the six Northern Ireland Government Departments, with the possibility of taking on responsibility for other matters as detailed elsewhere in this agreement.

4. The Assembly - operating where appropriate on a cross-community basis - will be the prime source of authority in respect of all devolved responsibilities.

Safeguards

[...]

Operation of the Assembly

6. At their first meeting, members of the Assembly will register a designation of identity - nationalist, unionist or other - for the purposes of measuring cross-community support in Assembly votes under the relevant provisions above.

7. The Chair and Deputy Chair of the Assembly will be elected on a cross-community basis, as set out in paragraph 5(d) above.

8. There will be a Committee for each of the main executive functions of the Northern Ireland Administration. The Chairs and Deputy Chairs of the Assembly Committees will be allocated proportionally, using the d'Hondt system. Membership of the Committees will be in broad proportion to party strengths in the Assembly to ensure that the opportunity of Committee places is available to all members.

9. The Committees will have a scrutiny, policy development and consultation role with respect to the Department with which each is associated, and will have a role in initiation of legislation. They will have the power to:

- consider and advise on Departmental budgets and Annual Plans in the context of the overall budget allocation;
- approve relevant secondary legislation and take the Committee stage of relevant primary legislation;
- call for persons and papers;
- initiate enquiries and make reports;
- consider and advise on matters brought to the Committee by its Minister.

10. Standing Committees other than Departmental Committees may be established as may be required from time to time.

11. The Assembly may appoint a special Committee to examine and report on whether a measure or proposal for legislation is in conformity with equality requirements, including the ECHR/Bill of Rights. The Committee shall have the power to call people and papers to assist in its consideration of the matter. The Assembly shall then consider the report of the Committee and can determine the matter in accordance with the cross-community consent procedure.

12. The above special procedure shall be followed when requested by the Executive Committee, or by the relevant Departmental Committee, voting on a cross-community basis.

13. When there is a petition of concern as in 5(d) above, the Assembly shall vote to determine whether the measure may proceed without reference to this special procedure. If this fails to achieve support on a cross-community basis, as in 5(d)(i) above, the special procedure shall be followed.

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Legislative Branch
Reform

Executive Authority

[...]

Legislation

26. The Assembly will have authority to pass primary legislation for Northern Ireland in devolved areas, subject to:

(a) the ECHR and any Bill of Rights for Northern Ireland supplementing it which, if the courts found to be breached, would render the relevant legislation null and void;

(b) decisions by simple majority of members voting, except when decision on a cross-community basis is required;

(c) detailed scrutiny and approval in the relevant Departmental Committee;

(d) mechanisms, based on arrangements proposed for the Scottish Parliament, to ensure suitable co-ordination, and avoid disputes, between the Assembly and the Westminster Parliament;

(e) option of the Assembly seeking to include Northern Ireland provisions in United Kingdom-wide legislation in the Westminster Parliament, especially on devolved issues where parity is normally maintained (e.g. social security, company law).

27. The Assembly will have authority to legislate in reserved areas with the approval of the Secretary of State and subject to Parliamentary control.

28. Disputes over legislative competence will be decided by the Courts.

29. Legislation could be initiated by an individual, a Committee or a Minister.

Relations with other institutions

30. Arrangements to represent the Assembly as a whole, at Summit level and in dealings with other institutions, will be in accordance with paragraph 18, and will be such as to ensure cross-community involvement.

31. Terms will be agreed between appropriate Assembly representatives and the Government of the United Kingdom to ensure effective co-ordination and input by Ministers to national policy-making, including on EU issues.

32. Role of Secretary of State:

(a) to remain responsible for NIO matters not devolved to the Assembly, subject to regular consultation with the Assembly and Ministers;

(b) to approve and lay before the Westminster Parliament any Assembly legislation on reserved matters;

(c) to represent Northern Ireland interests in the United Kingdom Cabinet;

(d) to have the right to attend the Assembly at their invitation.

33. The Westminster Parliament (whose power to make legislation for Northern Ireland would remain unaffected) will:

(a) legislate for non-devolved issues, other than where the Assembly legislates with the approval of the Secretary of State and subject to the control of Parliament;

(b) to legislate as necessary to ensure the United Kingdom's international obligations are met in respect of Northern Ireland;

(c) scrutinise, including through the Northern Ireland Grand and Select Committees, the responsibilities of the Secretary of State.

[...]

Page 14; STRAND TWO: NORTH/SOUTH MINISTERIAL COUNCIL

10. The two Governments will make necessary legislative and other enabling preparations to ensure, as an absolute commitment, that these bodies, which have been agreed as a result of the work programme, function at the time of the inception of the British-Irish Agreement and the transfer of powers, with legislative authority for these bodies transferred to the Assembly as soon as possible thereafter. Other arrangements for the agreed co-operation will also commence contemporaneously with the transfer of powers to the Assembly.

Page 8-9; STRAND ONE: DEMOCRATIC INSTITUTIONS IN NORTHERN IRELAND; Executive Authority

14. Executive authority to be discharged on behalf of the Assembly by a First Minister and Deputy First Minister and up to ten Ministers with Departmental responsibilities.

15. The First Minister and Deputy First Minister shall be jointly elected into office by the Assembly voting on a cross-community basis, according to 5(d)(i) above.

16. Following the election of the First Minister and Deputy First Minister, the posts of Ministers will be allocated to parties on the basis of the d'Hondt system by reference to the number of seats each party has in the Assembly.

17. The Ministers will constitute an Executive Committee, which will be convened, and presided over, by the First Minister and Deputy First Minister.

18. The duties of the First Minister and Deputy First Minister will include, inter alia, dealing with and co-ordinating the work of the Executive Committee and the response of the Northern Ireland administration to external relationships.

19. The Executive Committee will provide a forum for the discussion of, and agreement on, issues which cut across the responsibilities of two or more Ministers, for prioritising executive and legislative proposals and for recommending a common position where necessary (e.g. in dealing with external relationships).

20. The Executive Committee will seek to agree each year, and review as necessary, a programme incorporating an agreed budget linked to policies and programmes, subject to approval by the Assembly, after scrutiny in Assembly Committees, on a cross-community basis.

21. A party may decline the opportunity to nominate a person to serve as a Minister or may subsequently change its nominee.

22. All the Northern Ireland Departments will be headed by a Minister. All Ministers will liaise regularly with their respective Committee.

23. As a condition of appointment, Ministers, including the First Minister and Deputy First Minister, will affirm the terms of a Pledge of Office (Annex A) undertaking to discharge effectively and in good faith all the responsibilities attaching to their office.

24. Ministers will have full executive authority in their respective areas of responsibility, within any broad programme agreed by the Executive Committee and endorsed by the Assembly as a whole.

25. An individual may be removed from office following a decision of the Assembly taken on a cross-community basis, if (s)he loses the confidence of the Assembly, voting on a cross-community basis, for failure to meet his or her responsibilities including, inter alia, those set out in the Pledge of Office. Those who hold office should use only democratic, non-violent means, and those who do not should be excluded or removed from office under these provisions.

Page 10; STRAND ONE: DEMOCRATIC INSTITUTIONS IN NORTHERN IRELAND; Relations with other institutions

32. Role of Secretary of State:

tr_exe

Executive Branch
Reform

- (a) to remain responsible for NIO matters not devolved to the Assembly, subject to regular consultation with the Assembly and Ministers;
- (b) to approve and lay before the Westminster Parliament any Assembly legislation on reserved matters;
- (c) to represent Northern Ireland interests in the United Kingdom Cabinet;
- (d) to have the right to attend the Assembly at their invitation.

Page 11-12; STRAND ONE: DEMOCRATIC INSTITUTIONS IN NORTHERN IRELAND

Annex A: Pledge of Office

To pledge:

- (a) to discharge in good faith all the duties of office;
- (b) commitment to non-violence and exclusively peaceful and democratic means;
- (c) to serve all the people of Northern Ireland equally, and to act in accordance with the general obligations on government to promote equality and prevent discrimination;
- (d) to participate with colleagues in the preparation of a programme for government;
- (e) to operate within the framework of that programme when agreed within the Executive Committee and endorsed by the Assembly;
- (f) to support, and to act in accordance with, all decisions of the Executive Committee and Assembly;
- (g) to comply with the Ministerial Code of Conduct.

CODE OF CONDUCT

Ministers must at all times:

- observe the highest standards of propriety and regularity involving impartiality, integrity and objectivity in relationship to the stewardship of public funds;
- be accountable to users of services, the community and, through the Assembly, for the activities within their responsibilities, their stewardship of public funds and the extent to which key performance targets and objectives have been met;
- ensure all reasonable requests for information from the Assembly, users of services and individual citizens are complied with; and that Departments and their staff conduct their dealings with the public in an open and responsible way;
- follow the seven principles of public life set out by the Committee on Standards in Public Life;
- comply with this code and with rules relating to the use of public funds;
- operate in a way conducive to promoting good community relations and equality of treatment;
- not use information gained in the course of their service for personal gain; nor seek to use the opportunity of public service to promote their private interests;

• ensure they comply with any rules on the acceptance of gifts and hospitality that might be offered;

• declare any personal or business interests which may conflict with their responsibilities. The Assembly will retain a Register of Interests. Individuals must ensure that any direct or indirect pecuniary interests which members of the public might reasonably think could influence their judgement are listed in the Register of Interests;

Page 13-15; STRAND TWO: NORTH/SOUTH MINISTERIAL COUNCIL
[...]

**Page 18; RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY;
United Kingdom Legislation**

2. The British Government will complete incorporation into Northern Ireland law of the European Convention on Human Rights (ECHR), with direct access to the courts, and remedies for breach of the Convention, including power for the courts to overrule Assembly legislation on grounds of inconsistency.

Page 23; POLICING AND JUSTICE

4. The participants believe that the aims of the criminal justice system are to:

- deliver a fair and impartial system of justice to the community;
- be responsive to the community's concerns, and encouraging community involvement where appropriate;
- have the confidence of all parts of the community; and
- deliver justice efficiently and effectively.

5. There will be a parallel wide-ranging review of criminal justice (other than policing and those aspects of the system relating to the emergency legislation) to be carried out by the British Government through a mechanism with an independent element, in consultation with the political parties and others. The review will commence as soon as possible, will include wide consultation, and a report will be made to the Secretary of State no later than Autumn 1999. Terms of Reference are attached at Annex B.

[...]

tr_jud

Judiciary Reform

**Page 27; ANNEX B: REVIEW OF THE CRIMINAL JUSTICE SYSTEM;
Terms of Reference**

Taking account of the aims of the criminal justice system as set out in the Agreement, the review will address the structure, management and resourcing of publicly funded elements of the criminal justice system and will bring forward proposals for future criminal justice arrangements (other than policing and those aspects of the system relating to emergency legislation, which the Government is considering separately) covering such issues as:

- the arrangements for making appointments to the judiciary and magistracy, and safeguards for protecting their independence;
- the arrangements for the organisation and supervision of the prosecution process, and for safeguarding its independence;
- measures to improve the responsiveness and accountability of, and any lay participation in the criminal justice system;
- mechanisms for addressing law reform;
- the scope for structured co-operation between the criminal justice agencies on both parts of the island; and

		<ul style="list-style-type: none"> • the structure and organisation of criminal justice functions that might be devolved to an Assembly, including the possibility of establishing a Department of Justice, while safeguarding the essential independence of many of the key functions in this area. <p>The Government proposes to commence the review as soon as possible, consulting with the political parties and others, including non-governmental expert organisations. The review will be completed by Autumn 1999.</p>
tr_adm	Public Administration Reform	
tr_mil	Military Reform	<p>Page 22; RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY; SECURITY</p> <p>1. The participants note that the development of a peaceful environment on the basis of this agreement can and should mean a normalisation of security arrangements and practices.</p> <p>2. The British Government will make progress towards the objective of as early a return as possible to normal security arrangements in Northern Ireland, consistent with the level of threat and with a published overall strategy, dealing with: ↯</p> <p>(i) the reduction of the numbers and role of the Armed Forces deployed in Northern Ireland to levels compatible with a normal peaceful society; [...]</p>
tr_pol	Police Reform	<p>Page 23; RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY; POLICING AND JUSTICE</p> <p>1. The participants recognise that policing is a central issue in any society. They equally recognise that Northern Ireland's history of deep divisions has made it highly emotive, with great hurt suffered and sacrifices made by many individuals and their families, including those in the RUC and other public servants. They believe that the agreement provides the opportunity for a new beginning to policing in Northern Ireland with a police service capable of attracting and sustaining support from the community as a whole. They also believe that this agreement offers a unique opportunity to bring about a new political dispensation which will recognise the full and equal legitimacy and worth of the identities, senses of allegiance and ethos of all sections of the community in Northern Ireland. They consider that this opportunity should inform and underpin the development of a police service representative in terms of the make-up of the community as a whole and which, in a peaceful environment, should be routinely unarmed.</p> <p>2. The participants believe it essential that policing structures and arrangements are such that the police service is professional, effective and efficient, fair and impartial, free from partisan political control; accountable, both under the law for its actions and to the community it serves; representative of the society it polices, and operates within a coherent and cooperative criminal justice system, which conforms with human rights norms. The participants also believe that those structures and arrangements must be capable of maintaining law and order including responding effectively to crime and to any terrorist threat and to public order problems. A police service which cannot do so will fail to win public confidence and acceptance. They believe that any such structures and arrangements should be capable of delivering a policing service, in constructive and inclusive partnerships with the community at all levels, and with the maximum delegation of authority and responsibility, consistent with the foregoing principles. These arrangements should be based on principles of protection of human rights and professional integrity and should be unambiguously accepted and actively supported by the entire community.</p>

3. An independent Commission will be established to make recommendations for future policing arrangements in Northern Ireland including means of encouraging widespread community support for these arrangements within the agreed framework of principles reflected in the paragraphs above and in accordance with the terms of reference at Annex A. The Commission will be broadly representative with expert and international representation among its membership and will be asked to consult widely and to report no later than Summer 1999.

[...]

Page 25-26; ANNEX A: COMMISSION ON POLICING FOR NORTHERN IRELAND; Terms of Reference

Taking account of the principles on policing as set out in the agreement, the Commission will inquire into policing in Northern Ireland and, on the basis of its findings, bring forward proposals for future policing structures and arrangements, including means of encouraging widespread community support for those arrangements.

Its proposals on policing should be designed to ensure that policing arrangements, including composition, recruitment, training, culture, ethos and symbols, are such that in a new approach Northern Ireland has a police service that can enjoy widespread support from, and is seen as an integral part of, the community as a whole.

Its proposals should include recommendations covering any issues such as re-training, job placement and educational and professional development required in the transition to policing in a peaceful society.

Its proposals should also be designed to ensure that:

- the police service is structured, managed and resourced so that it can be effective in discharging its full range of functions (including proposals on any necessary arrangements for the transition to policing in a normal peaceful society);
- the police service is delivered in constructive and inclusive partnerships with the community at all levels with the maximum delegation of authority and responsibility;
- the legislative and constitutional framework requires the impartial discharge of policing functions and conforms with internationally accepted norms in relation to policing standards;
- the police operate within a clear framework of accountability to the law and the community they serve, so:
 - they are constrained by, accountable to and act only within the law;
 - their powers and procedures, like the law they enforce, are clearly established and publicly available;
 - there are open, accessible and independent means of investigating and adjudicating upon complaints against the police;
 - there are clearly established arrangements enabling local people, and their political representatives, to articulate their views and concerns about policing and to establish publicly policing priorities and influence policing policies, subject to safeguards to ensure police impartiality and freedom from partisan political control;
 - there are arrangements for accountability and for the effective, efficient and economic use of resources in achieving policing objectives;
 - there are means to ensure independent professional scrutiny and inspection of the police service to ensure that proper professional standards are maintained;
- the scope for structured co-operation with the Garda Síochána and other police forces is addressed; and
- the management of public order events which can impose exceptional demands on policing resources is also addressed.

The Commission should focus on policing issues, but if it identifies other aspects of the criminal justice system relevant to its work on policing, including the role of the police in prosecution, then it should draw the attention of the Government to those matters.

The Commission should consult widely, including with non-governmental expert organisations, and through such focus groups as they consider it appropriate to establish.

The Government proposes to establish the Commission as soon as possible, with the aim of it starting work as soon as possible and publishing its final report by Summer 1999.

Page 14; STRAND TWO: NORTH/SOUTH MINISTERIAL COUNCIL

8. During the transitional period between the elections to the Northern Ireland Assembly and the transfer of power to it, representatives of the Northern Ireland transitional Administration and the Irish Government operating in the North/South Ministerial Council will undertake a work programme, in consultation with the British Government, covering at least 12 subject areas, with a view to identifying and agreeing by 31 October 1998 areas where co-operation and implementation for mutual benefit will take place. Such areas may include matters in the list set out in the Annex.

Page 15; STRAND TWO: NORTH/SOUTH MINISTERIAL COUNCIL; ANNEX

Areas for North-South co-operation and implementation may include the following:

[...]

2. Education - teacher qualifications and exchanges.

tr_edu

Education Reform

Page 16; STRAND THREE: BRITISH-IRISH COUNCIL

5. The BIC will exchange information, discuss, consult and use best endeavours to reach agreement on co-operation on matters of mutual interest within the competence of the relevant Administrations. Suitable issues for early discussion in the BIC could include [...] education issues [...] Suitable arrangements to be made for practical co-operation on agreed policies.

Page 21; RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY; Economic, Social and Cultural Issues

4. In the context of active consideration currently being given to the UK signing the Council of Europe Charter for Regional or Minority Languages, the British Government will in particular in relation to the Irish language, where appropriate and where people so desire it:

[...]

- place a statutory duty on the Department of Education to encourage and facilitate Irish medium education in line with current provision for integrated education;

tr_med

Media Reform

Page 21; RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY; Economic, Social and Cultural Issues

4. In the context of active consideration currently being given to the UK signing the Council of Europe Charter for Regional or Minority Languages, the British Government will in particular in relation to the Irish language, where appropriate and where people so desire it:

[...]

- explore urgently with the relevant British authorities, and in co-operation with the Irish broadcasting authorities, the scope for achieving more widespread availability of Teilifis na Gaeilge in Northern Ireland;

- seek more effective ways to encourage and provide financial support for Irish language film and television production in Northern Ireland;

Page 22; DECOMMISSIONING

1. Participants recall their agreement in the Procedural Motion adopted on 24 September 1997 "that the resolution of the decommissioning issue is an indispensable part of the process of negotiation", and also recall the provisions of paragraph 25 of Strand 1 above.

2. They note the progress made by the Independent International Commission on Decommissioning and the Governments in developing schemes which can represent a workable basis for achieving the decommissioning of illegally-held arms in the possession of paramilitary groups.

3. All participants accordingly reaffirm their commitment to the total disarmament of all paramilitary organisations. They also confirm their intention to continue to work constructively and in good faith with the Independent Commission, and to use any influence they may have, to achieve the decommissioning of all paramilitary arms within two years following endorsement in referendums North and South of the agreement and in the context of the implementation of the overall settlement.

4. The Independent Commission will monitor, review and verify progress on decommissioning of illegal arms, and will report to both Governments at regular intervals.

6. Both Governments will take all necessary steps to facilitate the decommissioning process to include bringing the relevant schemes into force by the end of June.

Page 22; STRAND THREE: BRITISH-IRISH COUNCIL; SECURITY

3. The Secretary of State will consult regularly on progress, and the response to any continuing paramilitary activity, with the Irish Government and the political parties, as appropriate.

Page 28; STRAND THREE: BRITISH-IRISH COUNCIL; PRISONERS

5. The Governments continue to recognise the importance of measures to facilitate the reintegration of prisoners into the community by providing support both prior to and after release, including assistance directed towards availing of employment opportunities, re-training and/or reskilling, and further education.

Page 14; STRAND TWO: NORTH/SOUTH MINISTERIAL COUNCIL

8. During the transitional period between the elections to the Northern Ireland Assembly and the transfer of power to it, representatives of the Northern Ireland transitional Administration and the Irish Government operating in the North/South Ministerial Council will undertake a work programme, in consultation with the British Government, covering at least 12 subject areas, with a view to identifying and agreeing by 31 October 1998 areas where co-operation and implementation for mutual benefit will take place. Such areas may include matters in the list set out in the Annex.

9. As part of the work programme, the Council will identify and agree at least 6 matters for cooperation and implementation in each of the following categories:
[...]

tr_ddd

Demobilization,
Disarmament &
Reintegration

tr_tim

Transitional
Timeline

10. The two Governments will make necessary legislative and other enabling preparations to ensure, as an absolute commitment, that these bodies, which have been agreed as a result of the work programme, function at the time of the inception of the British-Irish Agreement and the transfer of powers, with legislative authority for these bodies transferred to the Assembly as soon as possible thereafter. Other arrangements for the agreed co-operation will also commence contemporaneously with the transfer of powers to the Assembly.

Page 22; DECOMMISSIONING

[...]

3. All participants accordingly reaffirm their commitment to the total disarmament of all paramilitary organisations. They also confirm their intention to continue to work constructively and in good faith with the Independent Commission, and to use any influence they may have, to achieve the decommissioning of all paramilitary arms within two years following endorsement in referendums North and South of the agreement and in the context of the implementation of the overall settlement.

[...]

6. Both Governments will take all necessary steps to facilitate the decommissioning process to include bringing the relevant schemes into force by the end of June.

Page 23; POLICING AND JUSTICE

3. [...] The Commission will be broadly representative with expert and international representation among its membership and will be asked to consult widely and to report no later than Summer 1999.

5. [...] The review will commence as soon as possible, will include wide consultation, and a report will be made to the Secretary of State no later than Autumn 1999. Terms of Reference are attached at Annex B.

Page 26; ANNEX A: COMMISSION ON POLICING FOR NORTHERN IRELAND; Terms of Reference

[...]

The Government proposes to establish the Commission as soon as possible, with the aim of it starting work as soon as possible and publishing its final report by Summer 1999.

Page 27; ANNEX B: REVIEW OF THE CRIMINAL JUSTICE SYSTEM; Terms of Reference

The Government proposes to commence the review as soon as possible, consulting with the political parties and others, including non-governmental expert organisations. The review will be completed by Autumn 1999.

Page 28; PRISONERS

4. The Governments will seek to enact the appropriate legislation to give effect to these arrangements by the end of June 1998.

Page 29; STRAND THREE: BRITISH-IRISH COUNCIL; VALIDATION, IMPLEMENTATION AND REVIEW

Validation and Implementation

2. Each Government will organise a referendum on 22 May 1998. [...]

3. If majorities of those voting in each of the referendums support this agreement, the Governments will then introduce and support, in their respective Parliaments, such legislation as may be necessary to give effect to all aspects of this agreement, and will take whatever ancillary steps as may be

required including the holding of elections on 25 June, subject to parliamentary approval, to the Assembly, which would meet initially in a "shadow" mode. [...]

Review procedures following implementation

[...]

8. Notwithstanding the above, each institution will publish an annual report on its operations. In addition, the two Governments and the parties in the Assembly will convene a conference 4 years after the agreement comes into effect, to review and report on its operation.

Page 4; CONSTITUTIONAL ISSUES; ANNEX A: DRAFT CLAUSES/SCHEDULES FOR INCORPORATION IN BRITISH LEGISLATION; SCHEDULE 1. POLLS FOR THE PURPOSE OF SECTION 1

1. The Secretary of State may by order direct the holding of a poll for the purposes of section 1 on a date specified in the order.

2. Subject to paragraph 3, the Secretary of State shall exercise the power under paragraph 1 if at any time it appears likely to him that a majority of those voting would express a wish that Northern Ireland should cease to be part of the United Kingdom and form part of a united Ireland.

3. The Secretary of State shall not make an order under paragraph 1 earlier than seven years after the holding of a previous poll under this Schedule.

Page 7; STRAND ONE: DEMOCRATIC INSTITUTIONS IN NORTHERN IRELAND; The Assembly

2. A 108 member Assembly will be elected by PR (STV) from existing Westminster constituencies.

Page 11; STRAND ONE: DEMOCRATIC INSTITUTIONS IN NORTHERN IRELAND; Review

36. After a specified period there will be a review of these arrangements, including the details of electoral arrangements and of the Assembly's procedures, with a view to agreeing any adjustments necessary in the interests of efficiency and fairness.

Page 29; VALIDATION, IMPLEMENTATION AND REVIEW; Validation and Implementation

2. Each Government will organise a referendum on 22 May 1998. Subject to Parliamentary approval, a consultative referendum in Northern Ireland, organised under the terms of the Northern Ireland (Entry to Negotiations, etc.) Act 1996, will address the question: "Do you support the agreement reached in the multi-party talks on Northern Ireland and set out in Command Paper 3883?". The Irish Government will introduce and support in the Oireachtas a Bill to amend the Constitution as described in paragraph 2 of the section "Constitutional Issues" and in Annex B, as follows: (a) to amend Articles 2 and 3 as described in paragraph 8.1 in Annex B above and (b) to amend Article 29 to permit the Government to ratify the new British-Irish Agreement. On passage by the Oireachtas, the Bill will be put to referendum.

Page 31; Annex: AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF IRELAND

ARTICLE 1

[...]

ARTICLE 4

(1) It shall be a requirement for entry into force of this Agreement that:

tr_epr

Electoral & Political
Party Reform

[...]

(b) the amendments to the Constitution of Ireland set out in Annex B to the section entitled "Constitutional Issues" of the Multi-Party Agreement shall have been approved by Referendum;

**Page 20; RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY;
Economic, Social and Cultural Issues**

1. Pending the devolution of powers to a new Northern Ireland Assembly, the British Government will pursue broad policies for sustained economic growth and stability in Northern Ireland and for promoting social inclusion, including in particular community development and the advancement of women in public life.

2. Subject to the public consultation currently under way, the British Government will make rapid progress with:

(i) a new regional development strategy for Northern Ireland, for consideration in due course by a the Assembly, tackling the problems of a divided society and social cohesion in urban, rural and border areas, protecting and enhancing the environment, producing new approaches to transport issues, strengthening the physical infrastructure of the region, developing the advantages and resources of rural areas and rejuvenating major urban centres;

(ii) a new economic development strategy for Northern Ireland, for consideration in due course by a the Assembly, which would provide for short and medium term economic planning linked as appropriate to the regional development strategy; and

(iii) measures on employment equality included in the recent White Paper ("Partnership for Equality") and covering the extension and strengthening of anti-discrimination legislation, a review of the national security aspects of the present fair employment legislation at the earliest possible time, a new more focused Targeting Social Need initiative and a range of measures aimed at combating unemployment and progressively eliminating the differential in unemployment rates between the two communities by targeting objective need.

tr_dev

Socio-Economic
Development

Page 14; STRAND TWO: NORTH/SOUTH MINISTERIAL COUNCIL

8. During the transitional period between the elections to the Northern Ireland Assembly and the transfer of power to it, representatives of the Northern Ireland transitional Administration and the Irish Government operating in the North/South Ministerial Council will undertake a work programme, in consultation with the British Government, covering at least 12 subject areas, with a view to identifying and agreeing by 31 October 1998 areas where co-operation and implementation for mutual benefit will take place. Such areas may include matters in the list set out in the Annex.

**Page 15; STRAND TWO: NORTH/SOUTH MINISTERIAL COUNCIL;
ANNEX**

Areas for North-South co-operation and implementation may include the following:

1. Agriculture - animal and plant health.
2. Education - teacher qualifications and exchanges.
3. Transport - strategic transport planning.
4. Environment - environmental protection, pollution, water quality, and waste management.
5. Waterways - inland waterways.
6. Social Security/Social Welfare - entitlements of cross-border workers and fraud control.
7. Tourism - promotion, marketing, research, and product development.
8. Relevant EU Programmes such as SPPR, INTERREG, Leader II and their successors.

- 9. Inland Fisheries.
 - 10. Aquaculture and marine matters
 - 11. Health accident and emergency services and other related cross-border issues.
 - 12. Urban and rural development.
- Others to be considered by the shadow North/ South Council.

Page 16; STRAND THREE BRITISH-IRISH COUNCIL

5. The BIC will exchange information, discuss, consult and use best endeavours to reach agreement on co-operation on matters of mutual interest within the competence of the relevant Administrations. Suitable issues for early discussion in the BIC could include transport links, agricultural issues, environmental issues, cultural issues, health issues, education issues and approaches to EU issues. Suitable arrangements to be made for practical co-operation on agreed policies.

Page 20; RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY; Reconciliation and Victims of Violence

13. [...] An essential aspect of the reconciliation process is the promotion of a culture of tolerance at every level of society, including initiatives to facilitate and encourage integrated education and mixed housing.

Page 21; RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY; Economic, Social and Cultural Issues

3. All participants recognise the importance of respect, understanding and tolerance in relation to linguistic diversity, including in Northern Ireland, the Irish language, Ulster-Scots and the languages of the various ethnic communities, all of which are part of the cultural wealth of the island of Ireland.

4. In the context of active consideration currently being given to the UK signing the Council of Europe Charter for Regional or Minority Languages, the British Government will in particular in relation to the Irish language, where appropriate and where people so desire it:

- take resolute action to promote the language;
- facilitate and encourage the use of the language in speech and writing in public and private life where there is appropriate demand;
- seek to remove, where possible, restrictions which would discourage or work against the maintenance or development of the language;
- make provision for liaising with the Irish language community, representing their views to public authorities and investigating complaints;
- place a statutory duty on the Department of Education to encourage and facilitate Irish medium education in line with current provision for integrated education;
- explore urgently with the relevant British authorities, and in co-operation with the Irish broadcasting authorities, the scope for achieving more widespread availability of Teilifís na Gaeilge in Northern Ireland;
- seek more effective ways to encourage and provide financial support for Irish language film and television production in Northern Ireland; and
- encourage the parties to secure agreement that this commitment will be sustained by a new Assembly in a way which takes account of the desires and sensitivities of the community.

tr_cul

Cultural Heritage/
Protections

Page 8; STRAND ONE: DEMOCRATIC INSTITUTIONS IN NORTHERN IRELAND; Operation of the Assembly

9. The Committees will have a scrutiny, policy development and consultation role with respect to the Department with which each is associated, and will have a role in initiation of legislation. They will have the power to:

- consider and advise on Departmental budgets and Annual Plans in the context of the overall budget allocation;

Page 9; STRAND ONE: DEMOCRATIC INSTITUTIONS IN NORTHERN IRELAND; Executive Authority

20. The Executive Committee will seek to agree each year, and review as necessary, a programme incorporating an agreed budget linked to policies and programmes, subject to approval by the Assembly, after scrutiny in Assembly Committees, on a cross-community basis.

Page 14; STRAND TWO: NORTH/SOUTH MINISTERIAL COUNCIL

15. Funding to be provided by the two Administrations on the basis that the Council and the implementation bodies constitute a necessary public function.

Page 16; STRAND THREE BRITISH-IRISH COUNCIL

8. The members of the BIC, on a basis to be agreed between them, will provide such financial support as it may require.

Page 20; RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY; Reconciliation and Victims of Violence

12. [...] This will require the allocation of sufficient resources, including statutory funding as necessary, to meet the needs of victims and to provide for community-based support programmes.

13. [...] Accordingly, they pledge their continuing support to such organisations and will positively examine the case for enhanced financial assistance for the work of reconciliation. An essential aspect of the reconciliation process is the promotion of a culture of tolerance at every level of society, including initiatives to facilitate and encourage integrated education and mixed housing.

tr_fin

Financial Arrangements

Page 10; STRAND ONE: DEMOCRATIC INSTITUTIONS IN NORTHERN IRELAND; Legislative

28. Disputes over legislative competence will be decided by the Courts.

Page 17; STRAND THREE: BRITISH-IRISH COUNCIL; BRITISH-IRISH INTERGOVERNMENTAL CONFERENCE

1. There will be a new British-Irish Agreement dealing with the totality of relationships. It will establish a standing British-Irish Intergovernmental Conference, which will subsume both the Anglo-Irish Intergovernmental Council and the Intergovernmental Conference established under the 1985 Agreement.

2. The Conference will bring together the British and Irish Governments to promote bilateral co-operation at all levels on all matters of mutual interest within the competence of both Governments.

3. The Conference will meet as required at Summit level (Prime Minister and Taoiseach). Otherwise, Governments will be represented by appropriate Ministers. Advisers, including police and security advisers, will attend as appropriate.

tj_dsm

Dispute Settlement Mechanisms

4. All decisions will be by agreement between both Governments. The Governments will make determined efforts to resolve disagreements between them. There will be no derogation from the sovereignty of either Government.
5. In recognition of the Irish Government's special interest in Northern Ireland and of the extent to which issues of mutual concern arise in relation to Northern Ireland, there will be regular and frequent meetings of the Conference concerned with non-devolved Northern Ireland matters, on which the Irish Government may put forward views and proposals. These meetings, to be co-chaired by the Minister for Foreign Affairs and the Secretary of State for Northern Ireland, would also deal with all-island and cross-border co-operation on non-devolved issues.
6. Co-operation within the framework of the Conference will include facilitation of co-operation in security matters. The Conference also will address, in particular, the areas of rights, justice, prisons and policing in Northern Ireland (unless and until responsibility is devolved to a Northern Ireland administration) and will intensify co-operation between the two Governments on the all-island or cross-border aspects of these matters.
7. Relevant executive members of the Northern Ireland Administration will be involved in meetings of the Conference, and in the reviews referred to in paragraph 9 below to discuss non-devolved Northern Ireland matters.
8. The Conference will be supported by officials of the British and Irish Governments, including by a standing joint Secretariat of officials dealing with non-devolved Northern Ireland matters.
9. The Conference will keep under review the workings of the new British-Irish Agreement and the machinery and institutions established under it, including a formal published review three years after the Agreement comes into effect. Representatives of the Northern Ireland Administration will be invited to express views to the Conference in this context. The Conference will contribute as appropriate to any review of the overall political agreement arising from the multi-party negotiations but will have no power to override the democratic arrangements set up by this Agreement.

ia_ver	Verification & Monitoring Mechanism	<p>Page 22; DECOMMISSIONING</p> <p>4. The Independent Commission will monitor, review and verify progress on decommissioning of illegal arms, and will report to both Governments at regular intervals.</p>
ia_pko	Peacekeeping	
ia_adv	International Assistance & Advice	

AGREEMENT BETWEEN THE GOVERNMENT OF GUINEA BISSAU AND THE SELF-PROCLAIMED MILITARY JUNTA ('ABUJA ACCORD')

Page 2; Abuja Accord

ps_pol

Political Power-sharing

4. To immediately put in place a government of national unity, which will include, among other things, representatives of the self-proclaimed junta, in line with the agreement already reached by the parties;

ps_eco

Economic Power-sharing

ps_mil

Military Power-sharing

tj_amn

Amnesty

tj_pri

Prisoner Release

tj_hum

Human Rights

tj_min

Indigenous & Minority Rights

tj_wom

Women's Rights & Gender Issues

tj_civ	Civil & Political Rights	
tj_esc	Economic, Social & Cultural Rights	
tj_vic	Victims & Reparations	
tj_ref	Refugees & Internally Displaced Persons	<p>Page 2; Ceasefire agreement in Guinea-Bissau; Article 1</p> <p>The Government of Guinea-Bissau and the Self-denominated Military Junta agree to an immediate ceasefire based on the principles indicated below:</p> <p>(f) Creation of conditions which may facilitate the return of refugees and resettlement of displaced.</p>
tj_tru	Truth & Reconciliation Commission	
tj_rec	Reconciliation	
tj_pro	Protection Measures	
tr_con	Constitutional Reform	
tr_leg	Legislative Branch Reform	

		Page 2; Abuja Accord
tr_exe	Executive Branch Reform	4. To immediately put in place a government of national unity, which will include, among other things, representatives of the self-proclaimed junta, in line with the agreement already reached by the parties;
tr_jud	Judiciary Reform	
tr_adm	Public Administration Reform	
tr_mil	Military Reform	
tr_pol	Police Reform	
tr_edu	Education Reform	
tr_med	Media Reform	
tr_ddd	Demobilization, Disarmament & Reintegration	
		Page 2; Abuja Accord
tr_tim	Transitional Timeline	<p>3. [...] the Oswaldo Vieira international airport and the seaport shall be opened immediately;</p> <p>4. To immediately put in place a government of national unity, [...]</p> <p>5. That general and presidential elections shall be held not later than the end of March 1999. [...]</p>

tr_epr	Electoral & Political Party Reform	<p>Page 2; Abuja Accord</p> <p>5. That general and presidential elections shall be held not later than the end of March 1999. These elections will be observed by ECOWAS, the Community of Portuguese-Speaking Countries and the international community.</p>
tr_dev	Socio-Economic Development	<p>Page 2; Abuja Accord</p> <p>3. That the interposition force will guarantee security along the Guinea-Bissau/Senegal border, keep the warring parties apart and guarantee free access to humanitarian organizations and agencies to reach the affected civilian population. In this regard, the Oswaldo Vieira international airport and the seaport shall be opened immediately;</p> <p>Page 2; Ceasefire agreement in Guinea-Bissau; Article 1</p> <p>(c) Reopening the Oswaldo Vieira Airport in order to facilitate the viability of humanitarian aid, the logistic support to the ceasefire observation mission and the return of refugees;</p> <p>(e) Strengthening of the opening of humanitarian corridors;</p>
tr_cul	Cultural Heritage/ Protections	
tr_fin	Financial Arrangements	
tj_dsm	Dispute Settlement Mechanisms	
ia_ver	Verification & Monitoring Mechanism	<p>Page 2; Abuja Accord</p> <p>2. To the total withdrawal from Guinea-Bissau of all foreign troops. This withdrawal shall be done simultaneously with the deployment of an ECOWAS Military Observer Group interposition force, which will take over from the withdrawn forces;</p> <p>5. That general and presidential elections shall be held not later than the end of March 1999. These elections will be observed by ECOWAS, the Community of Portuguese-Speaking Countries and the international community.</p> <p>Page 2; Ceasefire agreement in Guinea-Bissau; Article 1</p> <p>(d) Deployment of observation and interposition forces, to be defined through negotiations;</p>

<p>ia_pko</p>	<p>Peacekeeping</p>	<p>Page 2; Abuja Accord</p> <p>2. To the total withdrawal from Guinea-Bissau of all foreign troops. This withdrawal shall be done simultaneously with the deployment of an ECOWAS Military Observer Group interposition force, which will take over from the withdrawn forces;</p> <p>3. That the interposition force will guarantee security along the Guinea-Bissau/Senegal border, keep the warring parties apart and guarantee free access to humanitarian organizations and agencies to reach the affected civilian population. In this regard, the Oswaldo Vieira international airport and the seaport shall be opened immediately;</p>
<p>ia_adv</p>	<p>International Assistance & Advice</p>	<p>Page 2; Abuja Accord</p> <p>The parties to the conflict in the Guinea-Bissau, meeting in Abuja, Nigeria, on 31 October and 1 November 1998 in the context of the efforts of the Twenty-first Summit of the Authority of the Heads of State and Government of the Economic Community of West African States (ECOWAS),</p> <p>HEREBY AGREE AS FOLLOWS: [...]</p> <p>5. That general and presidential elections shall be held not later than the end of March 1999. These elections will be observed by ECOWAS, the Community of Portuguese-Speaking Countries and the international community.</p>

AGREEMENT BETWEEN THE REPUBLIC OF INDONESIA AND THE PORTUGUESE REPUBLIC ON THE QUESTION OF EAST TIMOR

Page 4-7; Annex I: Agreement between the Republic of Indonesia and the Portuguese Republic on the question of East Timor

[...]

Having discussed a constitutional framework for an autonomy for East Timor on the basis of a draft presented by the United Nations, as amended by the Indonesian Government;

Noting the position of the Government of Indonesia that the proposed special autonomy should be implemented only as an end solution to the question of East Timor with full recognition of Indonesian sovereignty over East Timor;

Noting the position of the Government of Portugal that an autonomy regime should be transitional, not requiring recognition of Indonesian sovereignty over East Timor or the removal of East Timor from the list of Non-Self-Governing Territories of the General Assembly, pending a final decision on the status of East Timor by the East Timorese people through an act of self-determination under United Nations auspices;

Taking in to account that, although the Governments of Indonesia and Portugal each have their positions of principle on the prepared proposal for special autonomy, both agree that it is essential to move the peace process forward, and that therefore, the Governments of Indonesia and Portugal agree that the Secretary-General should consult the East Timorese people on the constitutional framework for autonomy attached hereto as an annex;

[...]

Agreed as follows:

ps_pol

Political Power-sharing

Article 1

Request the Secretary-General to put the attached proposed constitutional framework providing for a special autonomy for East Timor within the unitary Republic of Indonesia to the East Timorese people, both inside and outside East Timor, for their consideration and acceptance or rejection through a popular consultation on the basis of a direct, secret and universal ballot.

[...]

Article 5

If the Secretary-General determines, on the basis of the result of the popular consultation and in accordance with this Agreement, that the proposed constitutional framework for special autonomy is acceptable to the East Timorese people, the Government of Indonesia shall initiate the constitutional measures necessary for the implementation of the constitutional framework, and the Government of Portugal shall initiate within the United Nations the procedures necessary for the removal of East Timor from the list of Non-Self-Governing Territories of the General Assembly and the deletion of the question of East Timor from the agendas of the Security Council and the General Assembly.

Article 6

If the Secretary-General determines, on the basis of the result of the popular consultation and in accordance with this Agreement, that the proposed constitutional framework for special autonomy is not acceptable to the East Timorese people, the Government of Indonesia shall take the constitutional steps necessary to terminate its links with East Timor thus restoring under Indonesian law the status East Timor held prior to 17 July 1976, and the Governments of Indonesia and Portugal and the Secretary-General shall agree on arrangements for a peaceful and orderly transfer of authority in East Timor to the United Nations. The Secretary-General shall, subject to the

appropriate legislative mandate, initiate the procedure enabling East Timor to begin a process of transition towards independence.

Page 13-14; PART THREE: POWERS AND INSTITUTIONS OF THE SARET; Chapter I: Legislative Powers and Institutions of the SARET

Article 22

The legislative power of the SARET shall extend to all matters not within the jurisdiction of the Central Government, as defined in Chapter I of Part One. This power shall include, the establishment of political, economic, and social policies in the SARET; cultural and educational matters; designation of a second language or languages in addition to the official language, Bahasa Indonesia; the establishment of courts of first instance pursuant to Article 40; rules of family law and succession; and public order, including the creation of an East Timor police force that shall be responsible for enforcement of all laws and regulations in the SARET, in accordance with the laws and regulations of the Republic of Indonesia.

Article 23

The SARET may adopt legislations regulating or restricting the ownership of property by persons who do not have East Timorese identity without contravening legitimately acquired rights.

Article 24

The SARET shall have the authority to establish a Land Claims Commission, whose members shall be selected in accordance with the manner prescribed for the selection of judges in Article 42, which shall make recommendations in order to decide on all disputed claims to title over real property through the court.

Article 25: The Regional Council of People's Representatives of the SARET

1. The legislative power of the SARET shall be vested in and exercised by the Regional Council of People's Representatives of the SARET, elected by persons of East Timorese identity as defined in Part Two, on the basis of universal adult suffrage. The implementation of elections for the Regional Council of People's Representatives of the SARET shall be further determined by the SARET and need not coincide with national elections.

2. Members of the Regional Council of People's Representatives of the SARET shall be persons who fulfill the eligibility requirements for membership. No racial, ethnic, religious, nationality, or other requirement unrelated to the exercise of the functions of a member of the Council shall be imposed.

3. Members of the Regional Council of People's Representatives of the SARET shall be immune from legal action in respect of their oral or written statements or actions relating to the business of the Council, or made or taken in their capacity as members of the Council.

Page 15-16; PART THREE: POWERS AND INSTITUTIONS OF THE SARET; Chapter II: Executive Powers and Institutions of the Government of the SARET

Article 26

The executive power of the Government of the SARET shall be exercised by a Governor who will be assisted by an Advisory Board whose members shall be appointed by the Governor upon the recommendation of the Regional Council of People's Representatives of the SARET.

Article 27

The Government of the SARET shall have the competence to design, guide and implement policies and programmes and issue executive decrees and regulations within the scope of the laws of the SARET. It shall also be

responsible for ensuring that all laws and regulations applicable in the SARET are faithfully administered and enforced.

Article 28

The Governor of the SARET shall be elected by a majority of the members of the Regional Council of People's Representatives of the SARET and responsible to it. The list of candidates for the post of Governor of the SARET shall first be consulted with and approved by the President of the Republic of Indonesia.

Article 29

The Governor-elect shall be formally confirmed to the post by the President of the Republic of Indonesia and shall be formally invested before the Regional Council of People's Representatives of the SARET.

Article 30

The Governor shall designate officials who shall be in charge of the executive services and other bodies of the SARET.

Article 31

The Government of the SARET shall have responsibility for the maintenance of public order in the SARET and for the administration and enforcement of all laws and regulations within the SARET.

Article 32

There shall be a Police Force of the SARET which shall be organized in accordance with regional laws.

Article 33

The Police Force of the SARET shall be subject to the authority and control of the Government of the SARET.

Article 34

Members of the Police Force of the SARET shall be recruited, without discrimination on racial, ethnic, or religious grounds.

Article 35

The primary functions of the Police Force of the SARET shall be:
a. to preserve internal peace and good order in East Timor; and
b. to maintain and, as necessary, enforce the law in an impartial and objective manner.

Page 10; Appendix: A constitutional framework for a special autonomy for East Timor; PART ONE: RESPECTIVE AREAS OF COMPETENCE; Chapter I: The Indonesian (Central) Government; Section C: Economic and Fiscal Policies

Article 5

The SARET shall be a part of the Indonesian monetary and customs unit subject to those national monetary and fiscal policies, and laws and regulations of Indonesia which are consistent with this Agreement.

Article 6

The Central Government will continue its assistance to the development of the SARET.

Article 7

ps_eco

Economic Power-sharing

		<p>The Central Government shall have exclusive competence over national taxation and the Government of the SARET shall have exclusive competence over local taxation, in conformity with the existing laws and regulations.</p> <p>Article 8</p> <p>Natural resources in the SARET, except those considered to be strategic or vital under national laws, shall be under the control of the Government of the SARET. In the exploitation of all natural resources, the Central Government and the Government of the SARET may establish cooperative or joint undertakings.</p> <p>Article 9</p> <p>For the purposes of its overall development, the Government of the SARET may receive foreign assistance which is to be channelled through the Central Government.</p> <p>Article 10</p> <p>The Government of the SARET can enter into domestic loans to finance part of its budget, with the consent of the Regional Council of People's Representatives of the SARET.</p>
ps_mil	Military Power-sharing	
tj_amn	Amnesty	
tj_pri	Prisoner Release	
tj_hum	Human Rights	<p>Page 19-20; Appendix: A constitutional framework for a special autonomy for East Timor; Part Four: Promotion and Protection of Human Rights and Fundamental Freedoms; Article 46</p> <p>The Central Government and the Government of the SARET shall promote, protect and respect human rights and fundamental freedoms without discrimination of any kind, as set forth, inter alia, in the Universal Declaration of Human Rights, the 1993 Vienna Declaration on Human Rights and the Decree of The People's Consultative Assembly No. XVII/MPR/1998 Concerning Human Rights. These rights and fundamental freedoms include: [...]</p>
tj_min	Indigenous & Minority Rights	

<p>tj_wom</p> <p>Women's Rights & Gender Issues</p>	<p>Page 19; Annex I: Agreement between the Republic of Indonesia and the Portuguese Republic on the question of East Timor; PART FOUR: PROMOTION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS; Article 46</p> <p>[...]These rights and fundamental freedoms include: [...] p. the right of women to full and equal participation in political, civil, economic, social, and cultural life;</p>
<p>tj_civ</p> <p>Civil & Political Rights</p>	<p>Page 19-20; Annex I: Agreement between the Republic of Indonesia and the Portuguese Republic on the question of East Timor; PART FOUR: PROMOTION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS; Article 46</p> <p>The Central Government and the Government of the SARET shall promote, protect and respect human rights and fundamental freedoms without discrimination of any kind, as set forth, inter alia, in the Universal Declaration of Human Rights, the 1993 Vienna Declaration on Human Rights and the Decree of The People's Consultative Assembly No. XVII/MPR/1998 Concerning Human Rights. These rights and fundamental freedoms include:</p> <ul style="list-style-type: none"> a. freedom of thought, conscience, and religion; b. the right to life, liberty, and security of person; c. freedom from torture, violence, arbitrary arrest, detention, or exile; d. the right to a full and fair hearing by an independent and impartial tribunal in the determination of any civil rights or obligations or any criminal charge; e. freedom of expression in all its forms, association, and peaceful assembly; f. the right to form political parties specific to East Timor without restrictions of any kind and subject to the provision of Article 57; g. the right to participate in government without discrimination, through free periodic elections and non-discriminatory access to public service, subject to the provisions of Article 25; h. the right to participate in Indonesian national political life, including the right to vote in general elections and to be elected as a member of the Indonesian national Parliament or be appointed as a member of the People's Consultative Assembly; i. the right to participate in Indonesian public and administrative services without discrimination on any grounds; j. freedom of movement throughout the territory of the Republic of Indonesia; k. the right of everyone to enjoy and participate in his or her culture; l. the right to own property and not to be arbitrarily deprived of it; m. the right to protection for family life, privacy, home and correspondence;
<p>tj_esc</p> <p>Economic, Social & Cultural Rights</p>	<p>Page 20; Annex I: Agreement between the Republic of Indonesia and the Portuguese Republic on the question of East Timor; PART FOUR: PROMOTION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS; Article 46</p> <p>The Central Government and the Government of the SARET shall promote, protect and respect human rights and fundamental freedoms without discrimination of any kind, as set forth, inter alia, in the Universal Declaration of Human Rights, the 1993 Vienna Declaration on Human Rights and the Decree of The People's Consultative Assembly No. XVII/MPR/1998 Concerning Human Rights. These rights and fundamental freedoms include:</p> <p>[...]</p> <ul style="list-style-type: none"> k. the right of everyone to enjoy and participate in his or her culture; l. the right to own property and not to be arbitrarily deprived of it; m. the right to protection for family life, privacy, home and correspondence; n. the right to education, including, as a minimum, the right to a free primary education for all; o. the right to an adequate standard of living, subject to available resources and capabilities; p. the right of women to full and equal participation in political, civil, economic, social, and cultural life; q. the rights of the child, without discrimination of any kind, as set forth in the UN Convention on the Rights of the Child.

tj_vic	Victims & Reparations
tj_ref	Refugees & Internally Displaced Persons
tj_tru	Truth & Reconciliation Commission
tj_rec	Reconciliation
tj_pro	<p>Page 11; Annex I: Agreement between the Republic of Indonesia and the Portuguese Republic on the question of East Timor; PART ONE: RESPECTIVE AREAS OF COMPETENCE; Chapter II: The Government of the Special Autonomous Region of East Timor; Article 14</p> <p>The Government of the SARET shall not:</p> <ol style="list-style-type: none"> a. restrict the rights of workers as recognized by law; and b. reserve any occupation or public office solely to persons with East Timorese identity. <p>Page 12; Annex I: Agreement between the Republic of Indonesia and the Portuguese Republic on the question of East Timor; PART TWO: EAST TIMORESE IDENTITY AND IMMIGRATION; Chapter I: Definition; Article 16</p> <p>Any person,</p> <ol style="list-style-type: none"> a. who was a lawful resident of East Timor prior to or in December 1975, b. whose father, mother, grandfather, or grandmother was a lawful resident of East Timor prior to or in December 1975, or c. who has permanently resided in East Timor for a period of at least five years at the time of the entry into force of this Agreement, <p>shall be considered to have East Timorese identity, irrespective of nationality, and have the right to permanent domicile in East Timor.</p> <p>Page 16; Annex I: Agreement between the Republic of Indonesia and the Portuguese Republic on the question of East Timor; Chapter II: Executive Powers and Institutions of the Government of the SARET; Article 34</p> <p>Members of the Police Force of the SARET shall be recruited, without discrimination on racial, ethnic, or religious grounds.</p> <p>Page 20; Annex I: Agreement between the Republic of Indonesia and the Portuguese Republic on the question of East Timor; PART FOUR: PROMOTION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS; Article 46</p> <p>[...]</p>

		<p>m. the right to protection for family life, privacy, home and correspondence; [...]</p> <p>q. the rights of the child, without discrimination of any kind, as set forth in the UN Convention on the Rights of the Child.</p>
		<p>Page 4; Annex I</p> <p>Having discussed a constitutional framework for an autonomy for East Timor on the basis of a draft presented by the United Nations, as amended by the Indonesian Government;</p> <p>Page 6; Annex I; Article 1</p> <p>Request the Secretary-General to put the attached proposed constitutional framework providing for a special autonomy for East Timor within the unitary Republic of Indonesia to the East Timorese people, both inside and outside East Timor, for their consideration and acceptance or rejection through a popular consultation on the basis of a direct, secret and universal ballot.</p> <p>Page 7; Annex I; Article 5</p> <p>If the Secretary-General determines, on the basis of the result of the popular consultation and in accordance with this Agreement, that the proposed constitutional framework for special autonomy is acceptable to the East Timorese people, the Government of Indonesia shall initiate the constitutional measures necessary for the implementation of the constitutional framework, and the Government of Portugal shall initiate within the United Nations the procedures necessary for the removal of East Timor from the list of Non-Self-Governing Territories of the General Assembly and the deletion of the question of East Timor from the agendas of the Security Council and the General Assembly.</p> <p>Page 7; Annex I; Article 6</p> <p>If the Secretary-General determines, on the basis of the result of the popular consultation and in accordance with this Agreement, that the proposed constitutional framework for special autonomy is not acceptable to the East Timorese people, the Government of Indonesia shall take the constitutional steps necessary to terminate its links with East Timor thus restoring under Indonesian law the status East Timor held prior to 17 July 1976, and the Governments of Indonesia and Portugal and the Secretary-General shall agree "on arrangements for a peaceful and orderly transfer of authority in East Timor to the United Nations. The Secretary-General shall, subject to the appropriate legislative mandate, initiate the procedure enabling East Timor to begin a process of transition towards independence.</p> <p>Page 9-23; Appendix: A constitutional framework for a special autonomy for East Timor [...]</p>
tr_con	Constitutional Reform	
tr_leg	Legislative Branch Reform	<p>Page 13-14; Appendix: A constitutional framework for a special autonomy for East Timor; PART THREE: POWERS AND INSTITUTIONS OF THE SARET; Chapter I: Legislative Powers and Institutions of the SARET</p> <p>Article 22</p> <p>The legislative power of the SARET shall extend to all matters not within the jurisdiction of the Central Government, as defined in Chapter I of Part One. This power shall include, the establishment of political, economic, and social policies in the SARET; cultural and educational matters; designation of a second language or languages in addition to the official language, Bahasa Indonesia; the establishment of courts of first instance pursuant to Article 40;</p>

rules of family law and succession; and public order, including the creation of an East Timor police force that shall be responsible for enforcement of all laws and regulations in the SARET, in accordance with the laws and regulations of the Republic of Indonesia.

Article 23

The SARET may adopt legislations regulating or restricting the ownership of property by persons who do not have East Timorese identity without contravening legitimately acquired rights.

Article 24

The SARET shall have the authority to establish a Land Claims Commission, whose members shall be selected in accordance with the manner prescribed for the selection of judges in Article 42, which shall make recommendations in order to decide on all disputed claims to title over real property through the court.

Article 25: The Regional Council of People's Representatives of the SARET

1. The legislative power of the SARET shall be vested in and exercised by the Regional Council of People's Representatives of the SARET, elected by persons of East Timorese identity as defined in Part Two, on the basis of universal adult suffrage. The implementation of elections for the Regional Council of People's Representatives of the SARET shall be further determined by the SARET and need not coincide with national elections. 2. Members of the Regional Council of People's Representatives of the SARET shall be persons who fulfill the eligibility requirements for membership. No racial, ethnic, religious, nationality, or other requirement unrelated to the exercise of the functions of a member of the Council shall be imposed. 3. Members of the Regional Council of People's Representatives of the SARET shall be immune from legal action in respect of their oral or written statements or actions relating to the business of the Council, or made or taken in their capacity as members of the Council.

Page 22; Appendix: A constitutional framework for a special autonomy for East Timor; PART NINE: BASIC LAW OF THE SARET; Article 58

The SARET shall be governed by a basic law, enacted by the first elected Regional Council of People's Representatives of the SARET and which shall be in accordance with the provisions of this Agreement.

Page 15; Appendix: A constitutional framework for a special autonomy for East Timor; PART THREE: POWERS AND INSTITUTIONS OF THE SARET; Chapter II: Executive Powers and Institutions of the Government of the SARET

Article 26

The executive power of the Government of the SARET shall be exercised by a Governor who will be assisted by an Advisory Board whose members shall be appointed by the Governor upon the recommendation of the Regional Council of People's Representatives of the SARET.

Article 27

The Government of the SARET shall have the competence to design, guide and implement policies and programmes and issue executive decrees and regulations within the scope of the laws of the SARET. It shall also be responsible for ensuring that all laws and regulations applicable in the SARET are faithfully administered and enforced.

Article 28

The Governor of the SARET shall be elected by a majority of the members of the Regional Council of People's Representatives of the SARET and responsible to it. The list of candidates for the post of Governor of the SARET

tr_exe

Executive Branch
Reform

shall first be consulted with and approved by the President of the Republic of Indonesia.

Article 29

The Governor-elect shall be formally confirmed to the post by the President of the Republic of Indonesia and shall be formally invested before the Regional Council of People's Representatives of the SARET.

Article 30

The Governor shall designate officials who shall be in charge of the executive services and other bodies of the SARET.

Article 31

The Government of the SARET shall have responsibility for the maintenance of public order in the SARET and for the administration and enforcement of all laws and regulations within the SARET.

Page 16-18; Appendix: A constitutional framework for a special autonomy for East Timor; PART THREE: POWERS AND INSTITUTIONS OF THE SARET; Chapter III: Judicial Powers and Institutions of the SARET

Article 36

The judicial power of the SARET shall be vested in and exercised by an independent judiciary.

Article 37

The judiciary of the SARET shall have jurisdiction overall civil, criminal, administrative, and other matters that fall within the competence of the SARET.

Article 38

In any civil suit, with the consent of all of the parties to such suit, the judiciary can apply any customary law applicable between such parties and recognized as such by the judiciary of the SARET.

Article 39

The judiciary of the SARET shall consist of such Courts of First Instance as may be established by regulations of the SARET, a Court of Appeal, a Court of Final Appeal and a Public Prosecutor.

Article 40: Courts of First Instance

1. There shall be Courts of First Instance in the SARET for the administration of justice. Such courts shall have such original civil, criminal and administrative jurisdiction as may be necessary to administer the laws in force in the SARET.
2. The Courts of First Instance shall consist of such judges as may be required for the proper administration of justice.

Article 41: The Court of Appeal

1. There shall be a Court of Appeal, consisting of a President and as many other judges as may be required, which shall have appellate jurisdiction from judgments of the Courts of First Instance.
2. The Court of Appeal also shall have original and appellate jurisdiction over all cases that concern the interpretation of Indonesian laws applicable to the SARET or the interpretation of Parts One, Five and Six of this Agreement.
3. The President of the Court of Appeal shall be appointed by the Chief Justice of the Supreme Court of the Republic of Indonesia, upon the recommendation of an independent Judicial Commission, which will be established in

tr_jud

Judiciary Reform

accordance with procedures adopted by the Regional Council of People's Representatives of the SARET.

Article 42

Judges of the Courts of First Instance and the Court of Appeal shall be selected by the Judicial Commission.

Article 43

The Judicial Commission also shall be responsible for disciplinary and other issues related to judicial performance, as specified by the Regional Council of People's Representatives of the SARET.

Article 44: Court of Final Appeal

1. The court of final appeal of the SARET shall be the Supreme Court of Indonesia.

2. An appeal shall lie from decisions of the Court of Appeal to the Supreme Court of Indonesia which is the right of the disputing parties:

a. in all cases concerning laws and regulations of Indonesia applicable in the SARET;

b. in all cases concerning the interpretation of this Agreement, provided that the Supreme Court shall establish a special chamber to hear such cases composed of an odd number of judges drawn from the Supreme Court of Indonesia and ad hoc judges drawn from the East Timor Court of Appeal of the SARET.

3. An appeal shall lie from decisions of the Court of Appeal to the Supreme Court of Indonesia with the leave of the Court of Appeal:

a. in all cases concerning the interpretation of the regional laws and regulations of the SARET;

b. on questions of law arising in criminal and civil cases.

Article 45

The Public Prosecutor shall be appointed, discharged and shall have such duties, as provided for by the regional laws and regulations of the SARET.

tr_adm

Public
Administration
Reform

**Page 6-7; Appendix: A constitutional Framework for a Special
Autonomy for East Timor; PART ONE: RESPECTIVE AREAS OF
COMPETENCE; Chapter I: The Indonesian (Central) Government;
Section B: Defence**

Article 2

The Central Government shall have responsibility for and competence over the external defence of the SARET, as part of the territory of the unitary state of the Republic of Indonesia.

Article 3

For such purpose, the Indonesian armed forces (Tentara Nasional Indonesia - TNI) shall maintain a military presence in the SARET in the context of defending and safeguarding the external security of the SARET.

Article 4

In the event of an external armed attack, or an imminent threat of such an attack, the Indonesian armed forces (TNI) may be deployed outside their bases or normal areas of operation in the exercise of its duty to defend the

tr_mil

Military Reform

sovereignty and territorial integrity of the unitary state of the Republic of Indonesia.

Page 16; Appendix: A constitutional framework for a special autonomy for East Timor; PART THREE: POWERS AND INSTITUTIONS OF THE SARET; Chapter II: Executive Powers and Institutions of the Government of the SARET

Article 32

There shall be a Police Force of the SARET which shall be organized in accordance with regional laws.

Article 33

The Police Force of the SARET shall be subject to the authority and control of the Government of the SARET.

Article 34

Members of the Police Force of the SARET shall be recruited, without discrimination on racial, ethnic, or religious grounds.

Article 35

The primary functions of the Police Force of the SARET shall be:
a. to preserve internal peace and good order in East Timor; and
b. to maintain and, as necessary, enforce the law in an impartial and objective manner.

tr_pol

Police Reform

Page 21; Appendix: A constitutional framework for a special autonomy for East Timor; PART FIVE: RELATIONSHIP BETWEEN THE CENTRAL GOVERNMENT AND THE GOVERNMENT OF THE SARET

Article 51

In the performance of its duties, the Police Force of the SARET shall consult and cooperate with the Central Government authorities with respect to the enforcement of Indonesian national laws in the SARET.

Article 52

The Police Force of the SARET shall take the necessary action, at the request of the Indonesian National Police to apprehend persons in the SARET accused of having committed crimes outside the SARET.

Article 53

The Indonesian National Police shall take the necessary action, in cooperation with the Police Force of the SARET, to apprehend persons outside the SARET accused of having committed crimes in the SARET.

Article 54

In exceptional cases the Indonesian National Police will assist the Police Force of the SARET in the performance of its functions.

tr_edu

Education Reform

Page 20; Appendix: A constitutional framework for a special autonomy for East Timor; PART FOUR: PROMOTION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS; Article 46

[...] These rights and fundamental freedoms include:
n. the right to education, including, as a minimum, the right to a free primary education for all;

tr_med	<p>Page 26; Annex II: Agreement regarding the modalities for the popular consultation of the East Timorese through a direct ballot; E. Operational Phases; a) Information Campaign</p> <p>Media Reform</p> <p>- The radio stations and the newspapers in East Timor as well as other Indonesian and Portuguese media outlets will be utilized in the dissemination of this information. Other appropriate means of dissemination will be made use of as required.</p>
tr_ddr	<p>Page 29; Annex III: East Timor popular consultation</p> <p>Demobilization, Disarmament & Reintegration</p> <p>2. The Commission on Peace and Stability established in Dili on 21 April 1999 should become operational without delay. The Commission, in cooperation with the United Nations, will elaborate a code of conduct, by which all parties should abide, for the period prior to and following the consultation, ensure the laying down of arms and take the necessary steps to achieve disarmament.</p>
tr_tim	<p>Page 22; Appendix: A constitutional framework for a special autonomy for East Timor; PART SEVEN: THE UNITED NATIONS; Article 56</p> <p>[...] For this purpose, the United Nations Secretary-General may establish in the SARET such offices as he deems necessary which would operate within a specific time-frame to be further agreed upon between the United Nations and the Indonesian Government.</p> <p>Page 23; Appendix: A constitutional framework for a special autonomy for East Timor; PART TEN: TRANSITIONAL PROVISIONS; Article 59</p> <p>The following provisions shall be in effect during the time between the entry into force of this agreement and the election and assumption of office by the Regional Council of People's Representatives of the SARET and the Government of the SARET:</p> <p>[...]</p> <p>Page 25; Annex II: Agreement regarding the modalities for the popular consultation of the East Timorese through a direct ballot; D. Schedule of the consultation process (in overlapping time periods)</p> <p>The schedule for the operational stages of the consultation process will be approximately as follows:</p> <p>Operational planning/Deployment: 10 May-15 June Public information programme/ Voter education: 10 May - 5 August Preparation and Registration: 13 June -17 July Exhibition of lists and challenges/Decisions on challenges and complaints: 18 July - 23 July Political Campaign: 20 July - 5 August* Cooling off period: 6 August-7 August Polling Day: 8 August</p> <p>* Subject to revision</p>

		<p>Page 6; Annex I; Article 1</p> <p>Request the Secretary-General to put the attached proposed constitutional framework providing for a special autonomy for East Timor within the unitary Republic of Indonesia to the East Timorese people, both inside and outside East Timor, for their consideration and acceptance or rejection through a popular consultation on the basis of a direct, secret and universal ballot.</p> <p>Page 14; Appendix: A constitutional framework for a special autonomy for East Timor; PART THREE: POWERS AND INSTITUTIONS OF THE SARET; Chapter I: Legislative Powers and Institutions of the SARET; Article 25: The Regional Council of People's Representatives of the SARET</p> <p>1. The legislative power of the SARET shall be vested in and exercised by the Regional Council of People's Representatives of the SARET, elected by persons of East Timorese identity as defined in Part Two, on the basis of universal adult suffrage. The implementation of elections for the Regional Council of People's Representatives of the SARET shall be further determined by the SARET and need not coincide with national elections. [...]</p> <p>Page 15; Appendix: A constitutional framework for a special autonomy for East Timor; PART THREE: POWERS AND INSTITUTIONS OF THE SARET; Chapter II: Executive Powers and Institutions of the Government of the SARET; Article 28</p> <p>[...] The Governor of the SARET shall be elected by a majority of the members of the Regional Council of People's Representatives of the SARET and responsible to it. The list of candidates for the post of Governor of the SARET shall first be consulted with and approved by the President of the Republic of Indonesia.</p> <p>Page 19; Appendix: A constitutional framework for a special autonomy for East Timor; PART FOUR: PROMOTION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS; Article 46</p> <p>[...] These rights and fundamental freedoms include: [...] h. the right to participate in Indonesian national political life, including the right to vote in general elections and to be elected as a member of the Indonesian national Parliament or be appointed as a member of the People's Consultative Assembly;</p> <p>Page 22; Appendix: A constitutional framework for a special autonomy for East Timor; PART SEVEN: THE UNITED NATIONS; Article 56</p> <p>The United Nations Secretary-General shall have the responsibility and authority to monitor and verify compliance with this Agreement. This authority includes monitoring the election of members of the Regional Council of People's Representatives of the SARET and verifying that such elections are free and fair. For this purpose, the United Nations Secretary-General may establish in the SARET such offices as he deems necessary which would operate within a specific time-frame to be further agreed upon between the United Nations and the Indonesian Government.</p>
tr_epr	Electoral & Political Party Reform	<p>Page 10; Appendix: A constitutional framework for a special autonomy for East Timor; PART ONE: RESPECTIVE AREAS OF COMPETENCE; Chapter I: The Indonesian (Central) Government; Section C: Economic and Fiscal Policies</p> <p>Article 6</p> <p>The Central Government will continue its assistance to the development of the SARET.</p>
tr_dev	Socio-Economic Development	

	<p>Article 8</p> <p>Natural resources in the SARET, except those considered to be strategic or vital under national laws, shall be under the control of the Government of the SARET. In the exploitation of all natural resources, the Central Government and the Government of the SARET may establish cooperative or joint undertakings.</p> <p>Page 21; Appendix: A constitutional framework for a special autonomy for East Timor; PART FIVE: RELATIONSHIP BETWEEN THE CENTRAL GOVERNMENT AND THE GOVERNMENT OF THE SARET; Article 50</p> <p>The Central Government and the Government of the SARET may create bodies or other arrangements to facilitate consultation, cooperation and coordination on such matters as police matters, tourism, transportation, telecommunications, education, health and the environment.</p> <p>Page 21-22; Appendix: A constitutional framework for a special autonomy for East Timor; PART SIX: RELATIONSHIPS BETWEEN THE SPECIAL AUTONOMOUS REGION OF EAST TIMOR AND OTHER ENTITIES; Article 55</p> <p>Without prejudice to the responsibility and competence of the Central Government, as set forth in Article 1, [...] b. the Government of the SARET may seek and obtain international development assistance with the consent of the Central Government; and [...]</p>
<p>tr_cul</p> <p>Cultural Heritage/ Protections</p>	
<p>tr_fin</p> <p>Financial Arrangements</p>	<p>Page 10; Appendix: A constitutional framework for a special autonomy for East Timor; PART ONE: RESPECTIVE AREAS OF COMPETENCE; Chapter I: The Indonesian (Central) Government; Section C: Economic and Fiscal Policies</p> <p>Article 5</p> <p>The SARET shall be a part of the Indonesian monetary and customs unit subject to those national monetary and fiscal policies, and laws and regulations of Indonesia which are consistent with this Agreement.</p> <p>Article 7</p> <p>The Central Government shall have exclusive competence over national taxation and the Government of the SARET shall have exclusive competence over local taxation, in conformity with the existing laws and regulations.</p> <p>Article 10</p> <p>The Government of the SARET can enter into domestic loans to finance part of its budget, with the consent of the Regional Council of People's Representatives of the SARET.</p>
<p>tj_dsm</p> <p>Dispute Settlement Mechanisms</p>	<p>Page 14; PART THREE: POWERS AND INSTITUTIONS OF THE SARET; Chapter I: Legislative Powers and Institutions of the SARET; Article 24</p> <p>The SARET shall have the authority to establish a Land Claims Commission, whose members shall be selected in accordance with the manner prescribed for the selection of judges in Article 42, which shall make recommendations in</p>

	<p>order to decide on all disputed claims to title over real property through the court.</p>
<p>ia_ver</p> <p>Verification & Monitoring Mechanism</p>	<p>Page 22; Appendix: A constitutional framework for a special autonomy for East Timor; PART SEVEN: THE UNITED NATIONS; Article 56</p> <p>The United Nations Secretary-General shall have the responsibility and authority to monitor and verify compliance with this Agreement. This authority includes monitoring the election of members of the Regional Council of People's Representatives of the SARET and verifying that such elections are free and fair. For this purpose, the United Nations Secretary-General may establish in the SARET such offices as he deems necessary which would operate within a specific time-frame to be further agreed upon between the United Nations and the Indonesian Government.</p> <p>Page 27; Annex II: Agreement regarding the modalities for the popular consultation of the East Timorese through a direct ballot; E. Operational Phases; f) Observers</p> <ul style="list-style-type: none"> - Indonesia and Portugal shall be entitled to send an equal number of representatives to observe all the operational phases of the consultation process both inside and outside East Timor. - International observers will be able to observe the consultation process under terms to be developed by the United Nations to regulate their presence.
<p>ia_pko</p> <p>Peacekeeping</p>	<p>Page 5-8; Annex I: Agreement between the Republic of Indonesia and the Portuguese Republic on the Question of East Timor</p> <p>Noting the position of the Government of Portugal that an autonomy regime should be transitional, not requiring recognition of Indonesian sovereignty over East Timor or the removal of East Timor from the list of Non-Self-Governing Territories of the General Assembly, pending a final decision on the status of East Timor by the East Timorese people through an act of self-determination under United Nations auspices;</p> <p>Agree as follows: [...]</p> <p>Article 2</p> <p>Request the Secretary-General to establish, immediately after the signing of this Agreement, an appropriate United Nations mission in East Timor to enable him to effectively carry out the popular consultation.</p> <p>Article 4</p> <p>Request the Secretary-General to report the result of the popular consultation to the Security Council and the General Assembly, as well as to inform the Governments of Indonesia and Portugal and the East Timorese people.</p> <p>Article 5</p> <p>If the Secretary-General determines, on the basis of the result of the popular consultation and in accordance with this Agreement, that, the proposed constitutional framework for special autonomy is acceptable to the East Timorese people, the Government of Indonesia shall initiate the constitutional measures necessary for the implementation of the constitutional framework, and the Government of Portugal shall initiate within the United Nations the procedures necessary for the removal of East Timor from the list of Non-Self-Governing Territories of the General Assembly and the deletion of the question of East Timor from the agendas of the Security Council and the General Assembly.</p>

Article 6

If the Secretary-General determines, on the basis of the result of the popular consultation and in accordance with this Agreement, that the proposed constitutional framework for special autonomy is not acceptable to the East Timorese people, the Government of Indonesia shall take the constitutional steps necessary to terminate its links with East Timor thus restoring under Indonesian law the status East Timor held prior to 17 July 1976, and the Governments of Indonesia and Portugal and the Secretary-General shall agree on arrangements for a peaceful and orderly transfer of authority in East Timor to the United Nations. The Secretary-General shall, subject to the appropriate legislative mandate, initiate the procedure enabling East Timor to begin a process of transition towards independence.

Article 7

During the interim period between the conclusion of the popular consultation and the start of the implementation of either option, the parties request the Secretary-General to maintain an adequate United Nations presence in East Timor.

Page 24; Annex II: Agreement regarding the modalities for the popular consultation of the East Timorese through a direct ballot

Immediately following the conclusion of the agreement between the two Governments requesting the Secretary-General to consult the East Timorese people on whether they would accept or reject the proposed constitutional framework for autonomy, the Secretary-General will, subject to the appropriate legislative mandate, begin preparations for the popular consultation by deploying in East Timor such personnel as will be adequate for the purpose of executing the various phases of the consultation process. Preparations for the vote outside East Timor will also begin at locations of major East Timorese concentration outside East Timor.

Page 27-28; Annex II: Agreement regarding the modalities for the popular consultation of the East Timorese through a direct ballot

F. Funding

The Secretary-General will seek the approval of the Security Council for the operation in order to ensure assessed budgetary funding. Voluntary contributions will be channeled through a Trust Fund established for this purpose.

G: Security

The Indonesian authorities will ensure a secure environment for a free and fair popular consultation process and will be responsible for the security of United Nations personnel. A number of United Nations security guards will be deployed to ensure the security and safety of United Nations personnel and property. A number of international civilian police will be available in East Timor to advise the Indonesian Police during the operational phases of the popular consultation and, at the time of the consultation, to supervise the escort of ballot papers and boxes to and from polling sites.

Page 29; Annex III: East Timor popular consultation

2. The Commission on Peace and Stability established in Dili on 21 April 1999 should become operational without delay. The Commission, in cooperation with the United Nations, will elaborate a code of conduct, by which all parties should abide, for the period prior to and following the consultation, ensure the laying down of arms and take the necessary steps to achieve disarmament.

3. Prior to the start of the registration, the Secretary-General shall ascertain, based on the objective evaluation of the UN mission, that the necessary security situation exists for the peaceful implementation of the consultation process.

4. The police will be solely responsible for the maintenance of law and order. The Secretary-General, after obtaining the necessary mandate, will make available a number of civilian police officers to act as advisers to the Indonesian Police in the discharge of their duties and, at the time of the consultation, to supervise the escort of ballot papers and boxes to and from the polling sites.

Page 4-6; Annex I: Agreement between the Republic of Indonesia and the Portuguese Republic on the Question of East Timor

Bearing in mind the sustained efforts of the Governments of Indonesia and Portugal since July 1983, through the good offices of the Secretary-General, to find a just, comprehensive and internationally acceptable solution to the question of East Timor;
[...]

Taking into account that, although the Governments of Indonesia and Portugal each have their positions of principle on the prepared proposal for special autonomy, both agree that it is essential to move the peace process forward, and that therefore, the Governments of Indonesia and Portugal agree that the Secretary-General should consult the East Timorese people on the constitutional framework for autonomy attached hereto as an annex;

Bearing in mind that the Governments of Indonesia and Portugal requested the Secretary-General to devise the method and procedures for the popular consultation through a direct, secret and universal ballot;

Agree as follows:
[...]

Article 1

Request the Secretary-General to put the attached proposed constitutional framework providing for a special autonomy for East Timor within the unitary Republic of Indonesia to the East Timorese people, both inside and outside East Timor, for their consideration and acceptance or rejection through a popular consultation on the basis of a direct, secret and universal ballot.

Article 4

Request the Secretary-General to report the result of the popular consultation to the Security Council and the General Assembly, as well as to inform the Governments of Indonesia and Portugal and the East Timorese people.

Page 10; Appendix: A constitutional Framework for a Special Autonomy for East Timor; Part One: Respective Areas of Competence; Chapter I: The Indonesian (Central) Government; Section C: Economic and Fiscal Policies; Article 9

For the purposes of its overall development, the Government of the SARET may receive foreign assistance which is to be channelled through the Central Government.

Page 21-22; Appendix: A constitutional framework for a special autonomy for East Timor; PART SIX: RELATIONSHIPS BETWEEN THE SPECIAL AUTONOMOUS REGION OF EAST TIMOR AND OTHER ENTITIES; Article 55

Without prejudice to the responsibility and competence of the Central Government, as set forth in Article 1,
[...]
b. the Government of the SARET may seek and obtain international development assistance with the consent of the Central Government; and
[...]

Page 23; Appendix: A constitutional framework for a special autonomy for East Timor; PART TEN: TRANSITIONAL PROVISIONS; Article 59

ia_adv

International
Assistance &
Advice

The following provisions shall be in effect during the time between the entry into force of this agreement and the election and assumption of office by the Regional Council of People's Representatives of the SARET and the Government of the SARET:

a. There shall be a broadly representative Transitional Council, composed of no more than 25 persons of East Timorese identity, whose members shall be appointed by the United Nations Secretary-General in consultation with relevant individuals and groups within the SARET and with the Government of Indonesia.

[...]

c. The Secretary-General of the United Nations, the Government of Indonesia and the Transitional Council shall engage in consultations to ensure the effective implementation of this Agreement, and the smooth and peaceful process of transition in the SARET.

d. The Secretary-General of the United Nations, the Government of Indonesia and the Transitional Council shall establish a working group that will address transitional security arrangements.

Page 27-28; Annex II: Agreement regarding the modalities for the popular consultation of the East Timorese through a direct ballot

F. Funding

[...] Voluntary contributions will be channeled through a Trust Fund established for this purpose.

G. Security

[...] A number of international civilian police will be available in East Timor to advise the Indonesian Police during the operational phases of the popular consultation and, at the time of the consultation, to supervise the escort of ballot papers and boxes to and from polling sites.

PEACE AGREEMENT BETWEEN THE GOVERNMENT OF SIERRA LEONE AND THE REVOLUTIONARY UNITED FRONT OF SIERRA LEONE (RUF/SL) (LOMÉ PEACE AGREEMENT)

Page 7; PART TWO: GOVERNANCE; ARTICLE IV: ENABLING MEMBERS OF THE RUF/SL TO HOLD PUBLIC OFFICE

1. The Government of Sierra Leone shall take the necessary steps to enable those RUF/SL members nominated by the RUF/SL to hold public office, within the time-frames agreed and contained in the present Agreement for the integration of the various bodies named herein.
2. Accordingly, necessary legal steps shall be taken by the Government of Sierra Leone, within a period of fourteen days following the signing of the present Agreement, to amend relevant laws and regulations that may constitute an impediment or bar to RUF/SL and AFRC personnel holding public office.
3. Within seven days of the removal of any such legal impediments, both parties shall meet to discuss and agree on the appointment of RUF/SL members to positions in parastatals, diplomacy and any other public sector.

Page 8; PART TWO: GOVERNANCE; ARTICLE V: ENABLING THE RUF/SL TO JOIN A BROAD-BASED GOVERNMENT OF NATIONAL UNITY THROUGH CABINET APPOINTMENTS

1. The Government of Sierra Leone shall accord every opportunity to the RUF/SL to join a broad-based government of national unity through cabinet appointments. To that end:
2. The Chairmanship of the Board of the Commission for the Management of Strategic Resources, National Reconstruction and Development (CMRRD) as provided for in Article VII of the present Agreement shall be offered to the leader of the RUF/SL, Corporal Foday Sankoh. For this purpose he shall enjoy the status of Vice President and shall therefore be answerable only to the President of Sierra Leone.
3. The Government of Sierra Leone shall give ministerial positions to the RUF/SL in a moderately expanded cabinet of 18, bearing in mind that the interests of other political parties and civil society organizations should also be taken into account, as follows:
 - (i) One of the senior cabinet appointments such as finance, foreign affairs and justice;
 - (ii) Three other cabinet positions.
4. In addition, the Government of Sierra Leone shall, in the same spirit, make available to the RUF/SL the following senior government positions: Four posts of Deputy Minister.
5. Within a period of fourteen days following the signing of the present Agreement, the necessary steps shall be taken by the Government of Sierra Leone to remove any legal impediments that may prevent RUF/SL members from holding cabinet and other positions.

Page 10; PART TWO: GOVERNANCE; ARTICLE VI: COMMISSION FOR THE CONSOLIDATION OF PEACE

5. The Commission shall be composed of the following members:
 - (i) Two representatives of the civil society;
 - (ii) One representative each named by the Government, the RUF/SL and the Parliament.

Page 13-14; PART TWO: GOVERNANCE; ARTICLE VIII: COUNCIL OF ELDERS AND RELIGIOUS LEADERS

ps_pol

Political Power-sharing

		<p>1. The signatories agree to refer any conflicting differences of interpretation of this Article or any other Article of the present Agreement or its protocols, to a Council of Elders and Religious Leaders comprised as follows:</p> <ul style="list-style-type: none"> (i) Two members appointed by the Inter-Religious Council; (ii) One member each appointed by the Government and the RUF/SL; and (iii) One member appointed by ECOWAS. <p>2. The Council shall designate its own chairperson from among its members. All of its decision shall be taken by the concurrence of at least four members, and shall be binding and public, provided that an aggrieved party may appeal to the Supreme Court.</p>
ps_eco	Economic Power-sharing	<p>Page 13; PART TWO: GOVERNANCE; ARTICLE VII: COMMISSION FOR THE MANAGEMENT OF STRATEGIC RESOURCES, NATIONAL RECONSTRUCTION AND DEVELOPMENT</p> <p>[...]</p> <p>12. The Commission shall be governed by a Board whose Chairmanship shall be offered to the Leader of the RUF/SL, Corporal Foday Sankoh. The Board shall also comprise:</p> <ul style="list-style-type: none"> (i) Two representatives of the Government appointed by the President; (ii) Two representatives of the political party to be formed by the RUF/SL; (iii) Three representatives of the civil society; and (iv) Two representatives of other political parties appointed by Parliament. <p>[...]</p>
ps_mil	Military Power-sharing	<p>Page 20; PART FOUR: POST-CONFLICT MILITARY AND SECURITY ISSUES; ARTICLE XVII: RESTRUCTURING AND TRAINING OF THE SIERRA LEONE ARMED FORCES</p> <p>1. The restructuring, composition and training of the new Sierra Leone armed forces will be carried out by the Government with a view to creating truly national armed forces, bearing loyalty solely to the State of Sierra Leone, and able and willing to perform their constitutional role.</p> <p>2. Those ex-combatants of the RUF/SL, CDF and SLA who wish to be integrated into the new restructured national armed forces may do so provided they meet established criteria.</p> <p>3. Recruitment into the armed forces shall reflect the geo-political structure of Sierra Leone within the established strength.</p>
tj_amn	Amnesty	<p>Page 14-15; PART ONE: CESSATION OF HOSTILITIES; PART THREE: OTHER POLITICAL ISSUES; ARTICLE IX: PARDON AND AMNESTY</p> <p>1. In order to bring lasting peace to Sierra Leone, the Government of Sierra Leone shall take appropriate legal steps to grant Corporal Foday Sankoh absolute and free pardon.</p> <p>2. After the signing of the present Agreement, the Government of Sierra Leone shall also grant absolute and free pardon and reprieve to all combatants and collaborators in respect of anything done by them in pursuit of their objectives, up to the time of the signing of the present Agreement.</p> <p>3. To consolidate the peace and promote the cause of national reconciliation, the Government of Sierra Leone shall ensure that no official or judicial action is taken against any member of the RUF, ex-AFRC, ex-SLA or CDF in respect of anything done by them in pursuit of their objectives as members of those organizations, since March 1991, up to the time of the signing of the present Agreement. In addition, legislative and other measures necessary to guarantee immunity to former combatants, exiles and other persons, currently outside the country for reasons related to the armed conflict shall be adopted ensuring the full exercise of their civil and political rights, with a view to their reintegration within a framework of full legality.</p>

Page 9; PART TWO: GOVERNANCE; ARTICLE VI: COMMISSION FOR THE CONSOLIDATION OF PEACE

2: The CCP shall ensure that all structures for national reconciliation and the consolidation of peace already in existence and those provided for in the present Agreement are operational and given the necessary resources for realizing their respective mandates. These structures shall comprise:

[...]

(iv) the Committee for the Release of Prisoners of War and Non-Combatants

Page 23; PART ONE: CESSATION OF HOSTILITIES; PART FIVE: HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC ISSUES; ARTICLE XXI: RELEASE OF PRISONERS AND ABDUCTEES

All political prisoners of war as well as all non-combatants shall be released immediately and unconditionally by both parties, in accordance with the Statement of June 2, 1999, which is contained in Annex 3 and constitutes an integral part of the present Agreement.

Page 34; ANNEX 1: AGREEMENT ON CEASEFIRE IN SIERRA LEONE

5. Immediate release of all prisoners of war and non-combatants;

tj_pri Prisoner Release

Page 37; ANNEX 3: STATEMENT BY THE GOVERNMENT OF SIERRA LEONE AND THE REVOLUTIONARY UNITED FRONT OF SIERRA LEONE ON THE RELEASE OF PRISONERS OF WAR AND NON-COMBATANTS

The Government of Sierra Leone (GOSL) and the Revolutionary United Front (RUF) have agreed to implement as soon as possible the provision of the Ceasefire Agreement which was signed on 18 May 1999 in Lomé, relating to the immediate release of prisoners of war and non-combatants.

Both sides reaffirmed the importance of the implementation of this provision in the interest of the furtherance of the talks.

They therefore decided that an appropriate Committee is established to handle the release of all prisoners of war and non-combatants.

Both the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone decided that such a Committee be established by the UN and chaired by the UN Chief Military Observer in Sierra Leone and comprising representatives of the International Committee of the Red Cross (ICRC), UNICEF and other relevant UN Agencies and NGOs.

This Committee should begin its work immediately by contacting both parties to the conflict with a view to effecting the immediate release of these prisoners of war and noncombatants.

Page 3; [Untitled preamble]

[...]

Committed to promoting full respect for human rights and humanitarian law;

tj_hum Human Rights

Page 9-10; PART TWO: GOVERNANCE; ARTICLE VI: COMMISSION FOR THE CONSOLIDATION OF PEACE

2. The CCP shall ensure that all structures for national reconciliation and the consolidation of peace already in existence and those provided for in the present Agreement are operational and given the necessary resources for realizing their respective mandates. These structures shall comprise:

[...]

(viii) the Human Rights Commission; and

Page 22; PART FIVE: HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC ISSUES

1. The Government of Sierra Leone and the RUF\SL recognizing the importance of upholding, promoting and protecting the human rights of every Sierra Leonean as well as the enforcement of humanitarian law, agree to the following formulas for the achievement of these laudable objectives. Each of these formulas (not in priority order) is contained in separate Articles of this Part of the present Agreement

[...]

Article XXIV Guarantee and Promotion of Human Rights

Article XXVI Human Rights Commission

Article XXVI Human Rights Violations

Page 24; PART FIVE: HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC ISSUES; ARTICLE XXIV: GUARANTEE AND PROMOTION OF HUMAN RIGHTS

1. The basic civil and political liberties recognized by the Sierra Leone legal system and contained in the declarations and principles of Human Rights adopted by the UN and OAU, especially the Universal Declaration of Human Rights and the African Charter on Human and Peoples Rights, shall be fully protected and promoted within Sierra Leonean society.

2. These include the right to life and liberty, freedom from torture, the right to a fair trial, freedom of conscience, expression and association, and the right to take part in the governance of ones country.

Page 24-25; PART FIVE: HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC ISSUES; ARTICLE XXV: HUMAN RIGHTS COMMISSION

1. The Parties pledge to strengthen the existing machinery for addressing grievances of the people in respect of alleged violations of their basic human rights by the creation, as a matter of urgency and not later than 90 days after the signing of the present Agreement, of an autonomous quasi-judicial national Human Rights Commission.

2. The Parties further pledge to promote Human Rights education throughout the various sectors of Sierra Leonean society, including the schools, the media, the police, the military and the religious community.

[...]

4. A consortium of local human rights and civil society groups in Sierra Leone shall be encouraged to help monitor human rights observance.

Page 25; PART FIVE: HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC ISSUES; ARTICLE XXVI: HUMAN RIGHTS VIOLATIONS

[...]

tj_min

Indigenous &
Minority Rights

tj_wom

Women's Rights &
Gender Issues

Page 27; PART FIVE: HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC ISSUES; ARTICLE XXVIII: POST-WAR REHABILITATION AND RECONSTRUCTION

2. Given that women have been particularly victimized during the war, special attention shall be accorded to their needs and potentials in formulating and implementing national rehabilitation, reconstruction and development programmes, to enable them to play a central role in the moral, social and physical reconstruction of Sierra Leone.

<p>tj_civ</p> <p>Civil & Political Rights</p>	<p>Page 6; PART TWO: GOVERNANCE; ARTICLE III: TRANSFORMATION OF THE RUF INTO A POLITICAL PARTY</p> <p>2. Immediately upon the signing of the present Agreement, the RUF shall commence to organize itself to function as a political movement, with the rights, privileges and duties accorded to all political parties in Sierra Leone. These include the freedom to publish, unhindered access to the media, freedom of association, freedom of expression, freedom of assembly, and the right to mobilize and associate freely.</p> <p>Page 15; PART THREE: OTHER POLITICAL ISSUES; ARTICLE IX: PARDON AND AMNESTY</p> <p>3. To consolidate the peace and promote the cause of national reconciliation, the Government of Sierra Leone shall ensure that no official or judicial action is taken against any member of the RUF, ex-AFRC, ex-SLA or CDF in respect of anything done by them in pursuit of their objectives as members of those organizations, since March 1991, up to the time of the signing of the present Agreement. In addition, legislative and other measures necessary to guarantee immunity to former combatants, exiles and other persons, currently outside the country for reasons related to the armed conflict shall be adopted ensuring the full exercise of their civil and political rights, with a view to their reintegration within a framework of full legality.</p> <p>Page 24; PART FIVE: HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC ISSUES; ARTICLE XXIV: GUARANTEE AND PROMOTION OF HUMAN RIGHTS</p> <p>1. The basic civil and political liberties recognized by the Sierra Leone legal system and contained in the declarations and principles of Human Rights adopted by the UN and OAU, especially the Universal Declaration of Human Rights and the African Charter on Human and Peoples Rights, shall be fully protected and promoted within Sierra Leonean society.</p> <p>2. These include the right to life and liberty, freedom from torture, the right to a fair trial, freedom of conscience, expression and association, and the right to take part in the governance of one's country.</p>
<p>tj_esc</p> <p>Economic, Social & Cultural Rights</p>	
<p>tj_vic</p> <p>Victims & Reparations</p>	<p>Page 9; PART TWO: GOVERNANCE; ARTICLE VI: COMMISSION FOR THE CONSOLIDATION OF PEACE</p> <p>1. A Commission for the Consolidation of Peace (hereinafter termed the CCP), shall be established within two weeks of the signing of the present Agreement to implement a post-conflict programme that ensures reconciliation and the welfare of all parties to the conflict, especially the victims of war. [...]</p> <p>Page 12-13; PART TWO: GOVERNANCE; ARTICLE VII: COMMISSION FOR THE MANAGEMENT OF STRATEGIC RESOURCES, NATIONAL RECONSTRUCTION AND DEVELOPMENT</p> <p>6. The proceeds from the transactions of gold and diamonds shall be public monies which shall enter a special Treasury account to be spent exclusively on the development of the people of Sierra Leone, with appropriations for public education, public health, infrastructural development, and compensation for incapacitated war victims as well as post-war rehabilitation and reconstruction. Priority spending shall go to rural areas.</p> <p>14. The Government commits itself to propose and support an amendment to the Constitution to make the exploitation of gold and diamonds the legitimate</p>

	<p>domain of the people of Sierra Leone, and to determine that the proceeds be used for the development of Sierra Leone, particularly public education, public health, infrastructure development, and compensation of incapacitated war victims as well as post-war reconstruction and development.</p> <p>Page 27; PART FIVE: HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC ISSUES; ARTICLE XXIX: SPECIAL FUND FOR WAR VICTIMS</p> <p>The Government, with the support of the International Community, shall design and implement a programme for the rehabilitation of war victims. For this purpose, a special fund shall be set up.</p>
<p>tj_ref</p> <p>Refugees & Internally Displaced Persons</p>	<p>Page 23; PART FIVE: HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC ISSUES; ARTICLE XXII REFUGEES AND DISPLACED PERSONS</p> <p>The Parties through the National Commission for Resettlement, Rehabilitation and Reconstruction agree to seek funding from and the involvement of the UN and other agencies, including friendly countries, in order to design and implement a plan for voluntary repatriation and reintegration of Sierra Leonean refugees and internally displaced persons, including non-combatants, in conformity with international conventions, norms and practices.</p> <p>Page 24; PART FIVE: HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC ISSUES; ARTICLE XXIII: GUARANTEE OF THE SECURITY OF DISPLACED PERSONS AND REFUGEES</p> <p>As a reaffirmation of their commitment to the observation of the conventions and principles of human rights and the status of refugees, the Parties shall take effective and appropriate measures to ensure that the right of Sierra Leoneans to asylum is fully respected and that no camps or dwellings of refugees or displaced persons are violated.</p>
<p>tj_tru</p> <p>Truth & Reconciliation Commission</p>	<p>Page 9-10; PART TWO: GOVERNANCE; ARTICLE VI: COMMISSION FOR THE CONSOLIDATION OF PEACE</p> <p>1. A Commission for the Consolidation of Peace (hereinafter termed the CCP), shall be established within two weeks of the signing of the present Agreement to implement a post-conflict programme that ensures reconciliation and the welfare of all parties to the conflict, especially the victims of war. The CCP shall have the overall goal and responsibility for supervising and monitoring the implementation of and compliance with the provisions of the present Agreement relative to the promotion of national reconciliation and the consolidation of peace.</p> <p>2. The CCP shall ensure that all structures for national reconciliation and the consolidation of peace already in existence and those provided for in the present Agreement are operational and given the necessary resources for realizing their respective mandates. These structures shall comprise:</p> <ul style="list-style-type: none"> (i) the Commission for the Management of Strategic Resources, National Reconstruction and Development; (ii) the Joint Monitoring Commission; (iii) the Provincial and District Ceasefire Monitoring Committees; (iv) the Committee for the Release of Prisoners of War and Non-Combatants; (v) the Committee for Humanitarian Assistance; (vi) the National Commission on Disarmament, Demobilization and Reintegration; (vii) the National Commission for Resettlement, Rehabilitation and Reconstruction;

(viii) the Human Rights Commission; and

(ix) the Truth and Reconciliation Commission.

3. The CCP shall have the right to inspect any activity or site connected with the implementation of the present Agreement.

4. The CCP shall have full powers to organize its work in any manner it deems appropriate and to appoint any group or sub-committee which it deems necessary in the discharge of its functions.

5. The Commission shall be composed of the following members:

(i) Two representatives of the civil society;

(ii) One representative each named by the Government, the RUF and the Parliament.

6. The CCP shall have its own offices, adequate communication facilities and secretarial support staff.

7. Recommendations for improvements or modifications shall be made to the President of Sierra Leone for appropriate action. Likewise, failures of the structures to perform their assigned duties shall also be brought to the attention of the President.

8. Disputes arising out of the preceding paragraph shall be brought to the Council of Elders and Religious Leaders for resolution, as specified in Article VIII of the present Agreement.

9. Should Protocols be needed in furtherance of any provision in the present Agreement, the CCP shall have the responsibility for their preparation.

10. The mandate of the CCP shall terminate at the end of the next general elections.

Page 25; PART FIVE: HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC ISSUES; ARTICLE XXVI: HUMAN RIGHTS VIOLATIONS

1. A Truth and Reconciliation Commission shall be established to address impunity, break the cycle of violence, provide a forum for both the victims and perpetrators of human rights violations to tell their story, get a clear picture of the past in order to facilitate genuine healing and reconciliation.

2. In the spirit of national reconciliation, the Commission shall deal with the question of human rights violations since the beginning of the Sierra Leonean conflict in 1991.

This Commission shall, among other things, recommend measures to be taken for the rehabilitation of victims of human rights violations.

3. Membership of the Commission shall be drawn from a cross-section of Sierra Leonean society with the participation and some technical support of the International Community.

This Commission shall be established within 90 days after the signing of the present Agreement and shall, not later than 12 months after the commencement of its work, submit its report to the Government for immediate implementation of its recommendations.

Page 2; [Untitled Preamble]

tj_rec

Reconciliation

Moved by the imperative need to meet the desire of the people of Sierra Leone for a definitive settlement of the fratricidal war in their country and for genuine national unity and reconciliation;

Page 9-10; PART TWO: GOVERNANCE; ARTICLE VI: COMMISSION FOR THE CONSOLIDATION OF PEACE

1. A Commission for the Consolidation of Peace (hereinafter termed the CCP), shall be established within two weeks of the signing of the present Agreement to implement a post-conflict programme that ensures reconciliation and the welfare of all parties to the conflict, especially the victims of war. The CCP shall have the overall goal and responsibility for supervising and monitoring the implementation of and compliance with the provisions of the present Agreement relative to the promotion of national reconciliation and the consolidation of peace.

2. The CCP shall ensure that all structures for national reconciliation and the consolidation of peace already in existence and those provided for in the present Agreement are operational and given the necessary resources for realizing their respective mandates. These structures shall comprise:
[...]

Page 15; PART THREE: OTHER POLITICAL ISSUES; ARTICLE IX: PARDON AND AMNESTY

3. To consolidate the peace and promote the cause of national reconciliation, the Government of Sierra Leone shall ensure that no official or judicial action is taken against any member of the RUF/SL, ex-AFRC, ex-SLA or CDF in respect of anything done by them in pursuit of their objectives as members of those organisations, since March 1991, up to the time of the signing of the present Agreement. [...]

Page 3; [Untitled Preamble]

Recognising the imperative that the children of Sierra Leone, especially those affected by armed conflict, in view of their vulnerability, are entitled to special care and the protection of their inherent right to life, survival and development, in accordance with the provisions of the International Convention on the Rights of the Child;

Page 22; PART FIVE: HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC ISSUES

1. The Government of Sierra Leone and the RUF\SL recognizing the importance of upholding, promoting and protecting the human rights of every Sierra Leonean as well as the enforcement of humanitarian law, agree to the following formulas for the achievement of these laudable objectives. Each of these formulas (not in priority order) is contained in separate Articles of this Part of the present Agreement
[...]

tj_pro

Protection Measures

Page 24; PART FIVE: HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC ISSUES; ARTICLE XXIV: GUARANTEE AND PROMOTION OF HUMAN RIGHTS

1. The basic civil and political liberties recognized by the Sierra Leone legal system and contained in the declarations and principles of Human Rights adopted by the UN and OAU, especially the Universal Declaration of Human Rights and the African Charter on Human and Peoples Rights, shall be fully protected and promoted within Sierra Leonean society.

Page 27; PART FIVE: HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC ISSUES; ARTICLE XXX: CHILD COMBATANTS

The Government shall accord particular attention to the issue of child soldiers. It shall, accordingly, mobilize resources, both within the country and from the International Community, and especially through the Office of the UN Special Representative for Children in Armed Conflict, UNICEF and other agencies, to address the special needs of these children in the existing disarmament, demobilization and reintegration processes.

	<p>Page 13; PART TWO: GOVERNANCE; ARTICLE VII: COMMISSION FOR THE MANAGEMENT OF STRATEGIC RESOURCES, NATIONAL RECONSTRUCTION AND DEVELOPMENT</p> <p>14. The Government commits itself to propose and support an amendment to the Constitution to make the exploitation of gold and diamonds the legitimate domain of the people of Sierra Leone, and to determine that the proceeds be used for the development of Sierra Leone, particularly public education, public health, infrastructure development, and compensation of incapacitated war victims as well as post-war reconstruction and development.</p> <p>tr_con Constitutional Reform</p> <p>Page 10; PART THREE: OTHER POLITICAL ISSUES; ARTICLE X: REVIEW OF THE PRESENT CONSTITUTION</p> <p>In order to ensure that the Constitution of Sierra Leone represents the needs and aspirations of the people of Sierra Leone and that no constitutional or any other legal provision prevents the implementation of the present Agreement, the Government of Sierra Leone shall take the necessary steps to establish a Constitutional Review Committee to review the provisions of the present Constitution, and where deemed appropriate, recommend revisions and amendments, in accordance with Part V, Section 108 of the Constitution of 1991.</p>
<p>tr_leg Legislative Branch Reform</p>	<p>Page 8; PART TWO: GOVERNANCE; ARTICLE V: ENABLING THE RUF/SL TO JOIN A BROAD-BASED GOVERNMENT OF NATIONAL UNITY THROUGH CABINET APPOINTMENTS</p> <p>1. The Government of Sierra Leone shall accord every opportunity to the RUF/SL to join a broad-based government of national unity through cabinet appointments. To that end:</p> <p>2. The Chairmanship of the Board of the Commission for the Management of Strategic Resources, National Reconstruction and Development (CMRRD) as provided for in Article VII of the present Agreement shall be offered to the leader of the RUF/SL, Corporal Foday Sankoh. For this purpose he shall enjoy the status of Vice President and shall therefore be answerable only to the President of Sierra Leone.</p> <p>tr_exe Executive Branch Reform</p> <p>3. The Government of Sierra Leone shall give ministerial positions to the RUF/SL in a moderately expanded cabinet of 18, bearing in mind that the interests of other political parties and civil society organizations should also be taken into account, as follows:</p> <p>(i) One of the senior cabinet appointments such as finance, foreign affairs and justice;</p> <p>(ii) Three other cabinet positions.</p> <p>4. In addition, the Government of Sierra Leone shall, in the same spirit, make available to the RUF/SL the following senior government positions: Four posts of Deputy Minister.</p> <p>5. Within a period of fourteen days following the signing of the present Agreement, the necessary steps shall be taken by the Government of Sierra Leone to remove any legal impediments that may prevent RUF/SL members from holding cabinet and other positions.</p>

tr_jud

Judiciary Reform

Page 12-13; PART TWO: GOVERNANCE; ARTICLE VII: COMMISSION FOR THE MANAGEMENT OF STRATEGIC RESOURCES, NATIONAL RECONSTRUCTION AND DEVELOPMENT

[...]

10. All agreements and transactions referred to in this Article shall be subject to full public disclosure and records of all correspondence, negotiations, business transactions and any other matters related to exploitation, management, local or international marketing, and any other matter shall be public documents.

11. The Commission shall issue monthly reports, including the details of all the transactions related to gold and diamonds, and other licenses or concessions of natural resources, and its own administrative costs.

12. The Commission shall be governed by a Board whose Chairmanship shall be offered to the Leader of the RUF, Corporal Foday Sankoh. The Board shall also comprise:

- (i) Two representatives of the Government appointed by the President;
- (ii) Two representatives of the political party to be formed by the RUF;
- (iii) Three representatives of the civil society; and
- (iv) Two representatives of other political parties appointed by Parliament.

13. The Government shall take the required administrative actions to implement the commitments made in the present Agreement; and in the case of enabling legislation, it shall draft and submit to Parliament within thirty days of the signature of the present Agreement, the relevant bills for their enactment into law.

tr_adm

Public
Administration
Reform

Page 18, PART FOUR: POST-CONFLICT MILITARY AND SECURITY ISSUES; ARTICLE XIII: TRANSFORMATION AND NEW MANDATE OF ECOMOG

3. The Parties agree to develop a timetable for the phased withdrawal of ECOMOG, including measures for securing all of the territory of Sierra Leone by the restructured armed forces. The phased withdrawal of ECOMOG will be linked to the phased creation and deployment of the restructured armed forces.

Page 20-21; PART FOUR: POST-CONFLICT MILITARY AND SECURITY ISSUES; ARTICLE XVII: RESTRUCTURING AND TRAINING OF THE SIERRA LEONE ARMED FORCES

1. The restructuring, composition and training of the new Sierra Leone armed forces will be carried out by the Government with a view to creating truly national armed forces, bearing loyalty solely to the State of Sierra Leone, and able and willing to perform their constitutional role.

2. Those ex-combatants of the RUF, CDF and SLA who wish to be integrated into the new restructured national armed forces may do so provided they meet established criteria.

3. Recruitment into the armed forces shall reflect the geo-political structure of Sierra Leone within the established strength.

tr_mil

Military Reform

tr_pol	Police Reform
tr_edu	<p>Page 28; PART FIVE: HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC ISSUES; ARTICLE XXXI: EDUCATION AND HEALTH</p> <p>Education Reform</p> <p>The Government shall provide free compulsory education for the first nine years of schooling (Basic Education) and shall endeavour to provide free schooling for a further three years. [...]</p>
tr_med	<p>Page 6; Part TWO: GOVERNANCE; ARTICLE III: TRANSFORMATION OF THE RUF/SL INTO A POLITICAL PARTY</p> <p>Media Reform</p> <p>2. Immediately upon the signing of the present Agreement, the RUF/SL shall commence to organize itself to function as a political movement, with the rights, privileges and duties accorded to all political parties in Sierra Leone. These include the freedom to publish, unhindered access to the media, freedom of association, freedom of expression, freedom of assembly, and the right to mobilize and associate freely.</p>
tr_ddd	<p>Page 7; Part TWO: GOVERNANCE; ARTICLE IV: ENABLING MEMBERS OF THE RUF TO HOLD PUBLIC OFFICE</p> <p>1. The Government of Sierra Leone shall take the necessary steps to enable those RUF members nominated by the RUF to hold public office, within the time-frames agreed and contained in the present Agreement for the integration of the various bodies named herein.</p> <p>2. Accordingly, necessary legal steps shall be taken by the Government of Sierra Leone, within a period of fourteen days following the signing of the present Agreement, to amend relevant laws and regulations that may constitute an impediment or bar to RUF and AFRC personnel holding public office.</p> <p>3. Within seven days of the removal of any such legal impediments, both parties shall meet to discuss and agree on the appointment of RUF members to positions in parastatals, diplomacy and any other public sector.</p> <p>Page 9; PART TWO: GOVERNANCE; ARTICLE VI: COMMISSION FOR THE CONSOLIDATION OF PEACE,</p> <p>2. The CCP shall ensure that all structures for national reconciliation and the consolidation of peace already in existence and those provided for in the present Agreement are operational and given the necessary resources for realizing their respective mandates. These structures shall comprise: [...] (vi) the National Commission on Disarmament, Demobilization and Reintegration;</p> <p>Page 15; PART THREE: OTHER POLITICAL ISSUES; ARTICLE IX: PARDON AND AMNESTY</p> <p>3. To consolidate the peace and promote the cause of national reconciliation, the Government of Sierra Leone shall ensure that no official or judicial action is taken against any member of the RUF, ex-AFRC, ex-SLA or CDF in respect of anything done by them in pursuit of their objectives as members of those organizations, since March 1991, up to the time of the signing of the present Agreement. In addition, legislative and other measures necessary to guarantee immunity to former combatants, exiles and other persons, currently outside the country for reasons related to the armed conflict shall be adopted ensuring the full exercise of their civil and political rights, with a view to their reintegration within a framework of full legality.</p>

Page 19; PART FOUR: POST-CONFLICT MILITARY AND SECURITY ISSUES; ARTICLE XV: SECURITY GUARANTEES FOR PEACE MONITORS

2. The freedom of movement includes complete and unhindered access for UNOMSIL Military Observers in the conduct of their duties throughout Sierra Leone. Before and during the process of Disarmament, Demobilization and Reintegration, officers and escorts to be provided by both Parties shall be required to facilitate this access.

Page 20; PART FOUR: POST-CONFLICT MILITARY AND SECURITY ISSUES; ARTICLE XVI: ENCAMPMENT, DISARMAMENT, DEMOBILIZATION AND REINTEGRATION

1. A neutral peace keeping force comprising UNOMSIL and ECOMOG shall disarm all combatants of the RUF, CDF, SLA and paramilitary groups. The encampment, disarmament and demobilization process shall commence within six weeks of the signing of the present Agreement in line with the deployment of the neutral peace keeping force.

2. The present SLA shall be restricted to the barracks and their arms in the armoury and their ammunitions in the magazines and placed under constant surveillance by the neutral peacekeeping force during the process of disarmament and demobilization.

3. UNOMSIL shall be present in all disarmament and demobilization locations to monitor the process and provide security guarantees to all ex-combatants.

4. Upon the signing of the present Agreement, the Government of Sierra Leone shall immediately request the International Community to assist with the provision of the necessary financial and technical resources needed for the adaptation and extension of the existing Encampment, Disarmament, Demobilization and Reintegration Programme in Sierra Leone, including payment of retirement benefits and other emoluments due to former members of the SLA.

Page 21; PART FOUR: POST-CONFLICT MILITARY AND SECURITY ISSUES; ARTICLE XVII: RESTRUCTURING AND TRAINING OF THE SIERRA LEONE ARMED FORCES

2. Those ex-combatants of the RUF, CDF and SLA who wish to be integrated into the new restructured national armed forces may do so provided they meet established criteria.

Page 27; PART FIVE: HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC ISSUES; ARTICLE XXX: CHILD COMBATANTS

The Government shall accord particular attention to the issue of child soldiers. It shall, accordingly, mobilize resources, both within the country and from the International Community, and especially through the Office of the UN Special Representative for Children in Armed Conflict, UNICEF and other agencies, to address the special needs of these children in the existing disarmament, demobilization and reintegration processes.

Page 9; PART TWO: GOVERNANCE; ARTICLE VI: COMMISSION FOR THE CONSOLIDATION OF PEACE

tr_tim

Transitional
Timeline

1. A Commission for the Consolidation of Peace (hereinafter termed the CCP), shall be established within two weeks of the signing of the present Agreement to implement a post-conflict programme that ensures reconciliation and the welfare of all parties to the conflict, especially the victims of war. [...]

Page 13; PART TWO: GOVERNANCE; ARTICLE VII: COMMISSION FOR THE MANAGEMENT OF STRATEGIC RESOURCES, NATIONAL RECONSTRUCTION AND DEVELOPMENT

13. The Government shall take the required administrative actions to implement the commitments made in the present Agreement; and in the case of enabling legislation, it shall draft and submit to Parliament within thirty days of the signature of the present Agreement, the relevant bills for their enactment into law.

Page 24; PART FIVE: HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC ISSUES; ARTICLE XXV: HUMAN RIGHTS COMMISSION

1. The Parties pledge to strengthen the existing machinery for addressing grievances of the people in respect of alleged violations of their basic human rights by the creation, as a matter of urgency and not later than 90 days after the signing of the present Agreement, of an autonomous quasi-judicial national Human Rights Commission.

Page 25; PART FIVE: HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC ISSUES; ARTICLE XXVI: HUMAN RIGHTS VIOLATIONS

3. Membership of the Commission shall be drawn from a cross-section of Sierra Leonean society with the participation and some technical support of the International Community. This Commission shall be established within 90 days after the signing of the present Agreement and shall, not later than 12 months after the commencement of its work, submit its report to the Government for immediate implementation of its recommendations.

Page 28; PART SIX: IMPLEMENTATION OF THE AGREEMENT; ARTICLE XXXII: JOINT IMPLEMENTATION COMMITTEE

A Joint Implementation Committee consisting of members of the Commission for the Consolidation of Peace (CCP) and the Committee of Seven on Sierra Leone, as well as the Moral Guarantors, provided for in Article XXXIV of the present Agreement and other international supporters shall be established. Under the chairmanship of ECOWAS, the Joint Implementation Committee shall be responsible for reviewing and assessing the state of implementation of the Agreement, and shall meet at least once every three months. Without prejudice to the functions of the Commission for the Consolidation of Peace as provided for in Article VI, the Joint Implementation Committee shall make recommendations deemed necessary to ensure effective implementation of the present Agreement according to the Schedule of Implementation, which appears as Annex 5.

Page 40-42; ANNEX 5: DRAFT SCHEDULE OF IMPLEMENTATION OF THE PEACE AGREEMENT; 1. ACTIVITIES WITH SPECIFIC TIMING

DAY 1

[...]

DAY 15

[...]

DAY 22

[...]

DAY 31

[...]

DAY 60

[...]

DAY 90

[...]

DAY 456

[...]

Page 42-43; ANNEX 5: DRAFT SCHEDULE OF IMPLEMENTATION OF THE PEACE AGREEMENT; II. ACTIVITIES WITHOUT SPECIFIC TIMING: (SHORT/MEDIUM/LONG TERM)

[...]

Page 6-7; Part TWO: GOVERNANCE; ARTICLE III: TRANSFORMATION OF THE RUF/SL INTO A POLITICAL PARTY

1. The Government of Sierra Leone shall accord every facility to the RUF/SL to transform itself into a political party and enter the mainstream of the democratic process. To that end:

2. Immediately upon the signing of the present Agreement, the RUF/SL shall commence to organize itself to function as a political movement, with the rights, privileges and duties accorded to all political parties in Sierra Leone. These include the freedom to publish, unhindered access to the media, freedom of association, freedom of expression, freedom of assembly, and the right to mobilize and associate freely.

3. Within a period of thirty days, following the signing of the present Agreement, the necessary legal steps shall be taken by the Government of Sierra Leone to enable the RUF/SL to register as a political party.

4. The Parties shall approach the International Community with a view to mobilizing resources for the purposes of enabling the RUF/SL to function as a political party. These resources may include but shall not be limited to:

- (i) Setting up a trust fund;
- (ii) Training for RUF/SL membership in party organization and functions; and
- (iii) Providing any other assistance necessary for achieving the goals of this section.

tr_epr

Electoral & Political
Party Reform

Page 16; PART THREE: OTHER POLITICAL ISSUES; ARTICLE XI: DATE OF NEXT ELECTIONS

The next national elections in Sierra Leone shall be held in accordance with the present Constitution of Sierra Leone.

Page 16; PART THREE: OTHER POLITICAL ISSUES; ARTICLE XII: NATIONAL ELECTORAL COMMISSION

1. A new independent National Electoral Commission (hereinafter termed the NEC) shall be set up by the Government, not later than three months after the signing of the present Agreement.

2. In setting up the new NEC the President shall consult all political parties, including the RUF/SL, to determine the membership and terms of reference of the Commission, paying particular attention to the need for a level playing field in the nation's elections.

3. No member of the NEC shall be eligible for appointment to political office by any government formed as a result of an election he or she was mandated to conduct.

4. The NEC shall request the assistance of the International Community, including the UN, the OAU, ECOWAS and the Commonwealth of Nations, in monitoring the next presidential and parliamentary elections in Sierra Leone.

tr_dev

Socio-Economic
Development

Page 3; [Untitled preamble]

Concerned with the socio-economic well being of all the people of Sierra Leone;

Page 9; ARTICLE VI: COMMISSION FOR THE CONSOLIDATION OF PEACE

2. The CCP shall ensure that all structures for national reconciliation and the consolidation of peace already in existence and those provided for in the present Agreement are operational and given the necessary resources for realizing their respective mandates. These structures shall comprise:

(i) the Commission for the Management of Strategic Resources, National Reconstruction and Development;

[...]

(vii) the National Commission for Resettlement, Rehabilitation and Reconstruction;

Page 11-13; PART TWO: GOVERNANCE; ARTICLE VII: COMMISSION FOR THE MANAGEMENT OF STRATEGIC RESOURCES, NATIONAL RECONSTRUCTION AND DEVELOPMENT

1. Given the emergency situation facing the country, the parties agree that the Government shall exercise full control over the exploitation of gold, diamonds and other resources, for the benefit of the people of Sierra Leone. Accordingly, a Commission for the Management of Strategic Resources, National Reconstruction and Development (hereinafter termed the CMRRD) shall be established and charged with the responsibility of securing and monitoring the legitimate exploitation of Sierra Leones gold and diamonds, and other resources that are determined to be of strategic importance for national security and welfare as well as cater for post-war rehabilitation and reconstruction, as provided for under Article XXVIII of the present Agreement.

2. The Government shall take the necessary legal action within a period not exceeding two weeks from the signing of the present Agreement to the effect that all exploitation, sale, export, or any other transaction of gold and diamonds shall be forbidden except those sanctioned by the CMRRD. All previous concessions shall be null and void.

3. The CMRRD shall authorize licensing of artisanal production of diamonds and gold, in accordance with prevailing laws and regulations. All gold and diamonds extracted or otherwise sources from any Sierra Leonean territory shall be sold to the Government.

4. The CMRRD shall ensure, through the appropriate authorities, the security of the areas covered under this Article, and shall take all necessary measures against unauthorized exploitation.

5. For the export or local resale of gold and diamonds by the Government, the CMRRD shall authorize a buying and selling agreement with one or more reputable international and specialized mineral companies. All exports of Sierra Leonean gold and diamonds shall be transacted by the Government, under these agreements.

6. The proceeds from the transactions of gold and diamonds shall be public monies which shall enter a special Treasury account to be spent exclusively on the development of the people of Sierra Leone, with appropriations for public education, public health, infrastructural development, and compensation for incapacitated war victims as well as post-war rehabilitation and reconstruction. Priority spending shall go to rural areas.

7. The Government shall, if necessary, seek the assistance and cooperation of other governments and their instruments of law enforcement to detect and facilitate the prosecution of violations of this Article.

8. The management of other natural resources shall be reviewed by the CMRRD to determine if their regulation is a matter of national security and welfare, and recommend appropriate policy to the Government.

9. The functions of the Ministry of Mines shall continued to be carried out by the current authorized ministry. However, in respect of strategic mineral resources, the CMRRD shall be an autonomous body in carrying out its duties concerning the regulation of Sierra Leones strategic natural resources.

10. All agreements and transactions referred to in this Article shall be subject to full public disclosure and records of all correspondence, negotiations, business transactions and any other matters related to exploitation, management, local or international marketing, and any other matter shall be public documents.

11. The Commission shall issue monthly reports, including the details of all the transactions related to gold and diamonds, and other licenses or concessions of natural resources, and its own administrative costs.

12. The Commission shall be governed by a Board whose Chairmanship shall be offered to the Leader of the RUF, Corporal Foday Sankoh. The Board shall also comprise:

- (i) Two representatives of the Government appointed by the President;
- (ii) Two representatives of the political party to be formed by the RUF;
- (iii) Three representatives of the civil society; and
- (iv) Two representatives of other political parties appointed by Parliament.

13. The Government shall take the required administrative actions to implement the commitments made in the present Agreement; and in the case of enabling legislation, it shall draft and submit to Parliament within thirty days of the signature of the present Agreement, the relevant bills for their enactment into law.

14. The Government commits itself to propose and support an amendment to the Constitution to make the exploitation of gold and diamonds the legitimate domain of the people of Sierra Leone, and to determine that the proceeds be used for the development of Sierra Leone, particularly public education, public health, infrastructure development, and compensation of incapacitated war victims as well as post-war reconstruction and development.

Page 26; PART FIVE: HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC ISSUES; ARTICLE XXVIII: POST-WAR REHABILITATION AND RECONSTRUCTION

1. The Government, through the National Commission for Resettlement, Rehabilitation and Reconstruction and with the support of the International Community, shall provide appropriate financial and technical resources for post-war rehabilitation, reconstruction and development.

2. Given that women have been particularly victimized during the war, special attention shall be accorded to their needs and potentials in formulating and implementing national rehabilitation, reconstruction and development programmes, to enable them to play a central role in the moral, social and physical reconstruction of Sierra Leone.

Page 28; PART FIVE: HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC ISSUES; ARTICLE XXXI: EDUCATION AND HEALTH

The Government shall provide free compulsory education for the first nine years of schooling (Basic Education) and shall endeavour to provide free schooling for a further three years. The Government shall also endeavour to provide affordable primary health care throughout the country.

tr_cul

Cultural Heritage/
Protections

tr_fin

Financial
Arrangements

Page 7; PART TWO: GOVERNANCE; ARTICLE III: TRANSFORMATION OF THE RUF INTO A POLITICAL PARTY

4. The Parties shall approach the International Community with a view to mobilizing resources for the purposes of enabling the RUF to function as a political party. These resources may include but shall not be limited to:
(i) Setting up a trust fund;

[...]

Page 12; PART TWO: GOVERNANCE; ARTICLE VII: COMMISSION FOR THE MANAGEMENT OF STRATEGIC RESOURCES, NATIONAL RECONSTRUCTION AND DEVELOPMENT

6. The proceeds from the transactions of gold and diamonds shall be public monies which shall enter a special Treasury account to be spent exclusively on the development of the people of Sierra Leone, with appropriations for public education, public health, infrastructural development, and compensation for incapacitated war victims as well as post-war rehabilitation and reconstruction. Priority spending shall go to rural areas.

Page 27; PART FIVE: HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC ISSUES; ARTICLE XXVIII: POST-WAR REHABILITATION AND RECONSTRUCTION

1. The Government, through the National Commission for Resettlement, Rehabilitation and Reconstruction and with the support of the International Community, shall provide appropriate financial and technical resources for post-war rehabilitation, reconstruction and development.

Page 27; PART FIVE: HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC ISSUES; ARTICLE XXIX: SPECIAL FUND FOR WAR VICTIMS

The Government, with the support of the International Community, shall design and implement a programme for the rehabilitation of war victims. For this purpose, a special fund shall be set up.

Page 10; PART TWO: GOVERNANCE; ARTICLE VI: COMMISSION FOR THE CONSOLIDATION OF PEACE

7. Recommendations for improvements or modifications shall be made to the President of Sierra Leone for appropriate action. Likewise, failures of the structures to perform their assigned duties shall also be brought to the attention of the President.

8. Disputes arising out of the preceding paragraph shall be brought to the Council of Elders and Religious Leaders for resolution, as specified in Article VIII of the present Agreement.

tj_dsm

Dispute Settlement Mechanisms

Page 13-14; PART TWO: GOVERNANCE; ARTICLE VIII: COUNCIL OF ELDERS AND RELIGIOUS LEADERS

1. The signatories agree to refer any conflicting differences of interpretation of this Article or any other Article of the present Agreement or its protocols, to a Council of Elders and Religious Leaders comprised as follows:

- (i) Two members appointed by the Inter-Religious Council;
- (ii) One member each appointed by the Government and the RUF; and
- (iii) One member appointed by ECOWAS.

2. The Council shall designate its own chairperson from among its members. All of its decision shall be taken by the concurrence of at least four members, and shall be binding and public, provided that an aggrieved party may appeal to the Supreme Court.

ia_ver

Verification & Monitoring Mechanism

Page 4-5; PART ONE: CESSATION OF HOSTILITIES; ARTICLE II: CEASEFIRE MONITORING

1. A Ceasefire Monitoring Committee (hereinafter termed the CMC) to be chaired by the United Nations Observer Mission in Sierra Leone (hereinafter termed UNOMSIL) with representatives of the Government of Sierra Leone, RUF, the Civil Defence Forces (hereinafter termed the CDF) and ECOMOG

shall be established at provincial and district levels with immediate effect to monitor, verify and report all violations of the ceasefire.

2. A Joint Monitoring Commission (hereinafter termed the JMC) shall be established at the national level to be chaired by UNOMSIL with representatives of the Government of Sierra Leone, RUF, CDF, and ECOMOG. The JMC shall receive, investigate and take appropriate action on reports of violations of the ceasefire from the CMC. The parties agree to the definition of ceasefire violations as contained in Annex 2 which constitutes an integral part of the present Agreement.

3. The parties shall seek the assistance of the International Community in providing funds and other logistics to enable the JMC to carry out its mandate.

Page 19; PART FOUR: POST-CONFLICT MILITARY AND SECURITY ISSUES; ARTICLE XV: SECURITY GUARANTEES FOR PEACE MONITORS

1. The Government of Sierra Leone and the RUF agree to guarantee the safety, security and freedom of movement of UNOMSIL Military Observers throughout Sierra Leone. This guarantee shall be monitored by the Joint Monitoring Commission.

2. The freedom of movement includes complete and unhindered access for UNOMSIL Military Observers in the conduct of their duties throughout Sierra Leone. Before and during the process of Disarmament, Demobilization and Reintegration, officers and escorts to be provided by both Parties shall be required to facilitate this access.

3. Such freedom of movement and security shall also be accorded to non-military UNOMSIL personnel such as Human Rights Officers in the conduct of their duties. These personnel shall, in most cases, be accompanied by UNOMSIL Military Observers.

Page 20; PART FOUR: POST-CONFLICT MILITARY AND SECURITY ISSUES; ARTICLE XVI: ENCAMPMENT, DISARMAMENT, DEMOBILIZATION AND REINTEGRATION

3. UNOMSIL shall be present in all disarmament and demobilization locations to monitor the process and provide security guarantees to all ex-combatants.

Page 21; PART FOUR: POST-CONFLICT MILITARY AND SECURITY ISSUES; ARTICLE XVIII: WITHDRAWAL OF MERCENARIES

All mercenaries, in any guise, shall be withdrawn from Sierra Leone immediately upon the signing of the present Agreement. Their withdrawal shall be supervised by the Joint Monitoring Commission.

Page 21; PART FOUR: POST-CONFLICT MILITARY AND SECURITY ISSUES; ARTICLE XIX: NOTIFICATION TO JOINT MONITORING COMMISSION

Immediately upon the establishment of the JMC provided for in Article II of the present Agreement, each party shall furnish to the JMC information regarding the strength and locations of all combatants as well as the positions and descriptions of all known unexploded bombs (UXBs), explosive ordnance devices (EODs), minefields, booby traps, wire entanglements, and all other physical or military hazards. The JMC shall seek all necessary technical assistance in mine clearance and the disposal or destruction of similar devices and weapons under the operational control of the neutral peacekeeping force. The parties shall keep the JMC updated on changes in this information so that it can notify the public as needed, to prevent injuries.

Page 34; ANNEX 1: AGREEMENT ON CEASEFIRE IN SIERRA LEONE

6. Request the United Nations, subject to the Security Council's authorisation, to deploy military observers as soon as possible to observe compliance by the Government forces (ECOMOG and Civil Defence Forces) and the RUF, including former AFRC forces, with this ceasefire agreement.

Page 18; PART FOUR: POST-CONFLICT MILITARY AND SECURITY ISSUES; ARTICLE XIII: TRANSFORMATION AND NEW MANDATE OF ECOMOG

1. Immediately upon the signing of the present Agreement, the parties shall request ECOWAS to revise the mandate of ECOMOG in Sierra Leone as follows:

- (i) Peacekeeping;
- (ii) Security of the State of Sierra Leone;
- (iii). Protection of UNOMSIL.
- (iv). Protection of Disarmament, Demobilisation and Reintegration personnel.

2. The Government shall, immediately upon the signing of the present Agreement, request ECOWAS for troop contributions from at least two additional countries. The additional contingents shall be deployed not later than 30 days from the date of signature of the present Agreement. The Security Council shall be requested to provide assistance in support of ECOMOG.

3. The Parties agree to develop a timetable for the phased withdrawal of ECOMOG, including measures for securing all of the territory of Sierra Leone by the restructured armed forces. The phased withdrawal of ECOMOG will be linked to the phased creation and deployment of the restructured armed forces.

ia_pko

Peacekeeping

Page 18; PART FOUR: POST-CONFLICT MILITARY AND SECURITY ISSUES; ARTICLE XIV: NEW MANDATE OF UNOMSIL

1. The UN Security Council is requested to amend the mandate of UNOMSIL to enable it to undertake the various provisions outlined in the present Agreement.

Page 19; PART FOUR: POST-CONFLICT MILITARY AND SECURITY ISSUES; ARTICLE XV: SECURITY GUARANTEES FOR PEACE MONITORS

1. The Government of Sierra Leone and the RUF/SL agree to guarantee the safety, security and freedom of movement of UNOMSIL Military Observers throughout Sierra Leone. This guarantee shall be monitored by the Joint Monitoring Commission.

2. The freedom of movement includes complete and unhindered access for UNOMSIL Military Observers in the conduct of their duties throughout Sierra Leone. Before and during the process of Disarmament, Demobilization and Reintegration, officers and escorts to be provided by both Parties shall be required to facilitate this access.

3. Such freedom of movement and security shall also be accorded to non-military UNOMSIL personnel such as Human Rights Officers in the conduct of their duties. These personnel shall, in most cases, be accompanied by UNOMSIL Military Observers.

4. The provision of security to be extended shall include United Nations aircraft, vehicles and other property.

Page 20; PART FOUR: POST-CONFLICT MILITARY AND SECURITY ISSUES; ARTICLE XVI: ENCAMPMENT, DISARMAMENT, DEMOBILIZATION AND REINTEGRATION

1. A neutral peace keeping force comprising UNOMSIL and ECOMOG shall disarm all combatants of the RUF/SL, CDF, SLA and paramilitary groups. The encampment, disarmament and demobilization process shall commence within six weeks of the signing of the present Agreement in line with the deployment of the neutral peace keeping force.

2. The present SLA shall be restricted to the barracks and their arms in the armoury and their ammunitions in the magazines and placed under constant surveillance by the neutral peacekeeping force during the process of disarmament and demobilization.

3. UNOMSIL shall be present in all disarmament and demobilization locations to monitor the process and provide security guarantees to all ex-combatants.

Page 21; PART FOUR: POST-CONFLICT MILITARY AND SECURITY ISSUES; ARTICLE XIX: NOTIFICATION TO JOINT MONITORING COMMISSION

Immediately upon the establishment of the JMC provided for in Article II of the present Agreement, each party shall furnish to the JMC information regarding the strength and locations of all combatants as well as the positions and descriptions of all known unexploded bombs (UXBs), explosive ordnance devices (EODs), minefields, booby traps, wire entanglements, and all other physical or military hazards. The JMC shall seek all necessary technical assistance in mine clearance and the disposal or destruction of similar devices and weapons under the operational control of the neutral peacekeeping force. The parties shall keep the JMC updated on changes in this information so that it can notify the public as needed, to prevent injuries.

Page 29; Part SIX: IMPLEMENTATION OF THE AGREEMENT; ARTICLE XXXIII: REQUEST FOR INTERNATIONAL INVOLVEMENT

The parties request that the provisions of the present Agreement affecting the United Nations shall enter into force upon the adoption by the UN Security Council of a resolution responding affirmatively to the request made in this Agreement. Likewise, the decision-making bodies of the other international organisations concerned are requested to take similar action, where appropriate.

Page 5; PART ONE: CESSATION OF HOSTILITIES; ARTICLE II: CEASEFIRE MONITORING

[...]

3. The parties shall seek the assistance of the International Community in providing funds and other logistics to enable the JMC to carry out its mandate.

Page 7; PART ONE: CESSATION OF HOSTILITIES; ARTICLE III: TRANSFORMATION OF THE RUF INTO A POLITICAL PARTY

4. The Parties shall approach the International Community with a view to mobilizing resources for the purposes of enabling the RUF to function as a political party. These resources may include but shall not be limited to:

- (i) Setting up a trust fund;
- (ii) Training for RUF membership in party organization and functions; and
- (iii) Providing any other assistance necessary for achieving the goals of this section.

Page 12; PART TWO: GOVERNANCE; ARTICLE VII: COMMISSION FOR THE MANAGEMENT OF STRATEGIC RESOURCES, NATIONAL RECONSTRUCTION AND DEVELOPMENT

ia_adv

International
Assistance &
Advice

7. The Government shall, if necessary, seek the assistance and cooperation of other governments and their instruments of law enforcement to detect and facilitate the prosecution of violations of this Article.

Page 13-14; PART TWO: GOVERNANCE; ARTICLE VIII: COUNCIL OF ELDERS AND RELIGIOUS LEADERS

1. The signatories agree to refer any conflicting differences of interpretation of this Article or any other Article of the present Agreement or its protocols, to a Council of Elders and Religious Leaders comprised as follows:

[...]

(iii) One member appointed by ECOWAS.

Page 16; PART THREE: OTHER POLITICAL ISSUES; ARTICLE XII: NATIONAL ELECTORAL COMMISSION

4. The NEC shall request the assistance of the International Community, including the UN, the OAU, ECOWAS and the Commonwealth of Nations, in monitoring the next presidential and parliamentary elections in Sierra Leone.

Page 19; PART FOUR: POST-CONFLICT MILITARY AND SECURITY ISSUES; ARTICLE XV: SECURITY GUARANTEES FOR PEACE MONITORS

[...]

4. The provision of security to be extended shall include United Nations aircraft, vehicles and other property.

Page 20; PART FOUR: POST-CONFLICT MILITARY AND SECURITY ISSUES; ARTICLE XVI: ENCAMPMENT, DISARMAMENT, DEMOBILIZATION AND REINTEGRATION

4. Upon the signing of the present Agreement, the Government of Sierra Leone shall immediately request the International Community to assist with the provision of the necessary financial and technical resources needed for the adaptation and extension of the existing Encampment, Disarmament, Demobilization and Reintegration Programme in Sierra Leone, including payment of retirement benefits and other emoluments due to former members of the SLA.

Page 23; PART FIVE: HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC ISSUES; ARTICLE XXII: REFUGEES AND DISPLACED PERSONS

The Parties through the National Commission for Resettlement, Rehabilitation and Reconstruction agree to seek funding from and the involvement of the UN and other agencies, including friendly countries, in order to design and implement a plan for voluntary repatriation and reintegration of Sierra Leonean refugees and internally displaced persons, including non-combatants, in conformity with international conventions, norms and practices.

Page 25; PART FIVE: HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC ISSUES; ARTICLE XXV: HUMAN RIGHTS COMMISSION

[...]

3. In pursuance of the above, technical and material assistance may be sought from the UN High Commissioner for Human Rights, the African Commission on Human and Peoples Rights and other relevant international organizations.

Page 25; PART FIVE: HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC ISSUES; ARTICLE XXVI: HUMAN RIGHTS VIOLATIONS

3. Membership of the Commission shall be drawn from a cross-section of Sierra Leonean society with the participation and some technical support of

the International Community. This Commission shall be established within 90 days after the signing of the present Agreement and shall, not later than 12 months after the commencement of its work, submit its report to the Government for immediate implementation of its recommendations.

Page 26; PART FIVE: HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC ISSUES; ARTICLE XXVII: HUMANITARIAN RELIEF

1. The Parties reaffirm their commitment to their Statement on the Delivery of Humanitarian Assistance in Sierra Leone of June 3, 1999 which is contained in Annex 4 and constitutes an integral part of the present Agreement. To this end, the Government shall request appropriate international humanitarian assistance for the people of Sierra Leone who are in need all over the country.

2. The Parties agree to guarantee safe and unhindered access by all humanitarian organizations throughout the country in order to facilitate delivery of humanitarian assistance, in accordance with international conventions, principles and norms which govern humanitarian operations. In this respect, the parties agree to guarantee the security of the presence and movement of humanitarian personnel.

3. The Parties also agree to guarantee the security of all properties and goods transported, stocked or distributed by humanitarian organizations, as well as the security of their projects and beneficiaries.

4. The Government shall set up at various levels throughout the country, the appropriate and effective administrative or security bodies which will monitor and facilitate the implementation of these guarantees of safety for the personnel, goods and areas of operation of the humanitarian organizations.

Page 26; PART FIVE: HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC ISSUES; ARTICLE XXVIII: POST-WAR REHABILITATION AND RECONSTRUCTION

1. The Government, through the National Commission for Resettlement, Rehabilitation and Reconstruction and with the support of the International Community, shall provide appropriate financial and technical resources for post-war rehabilitation, reconstruction and development.

Page 27; PART FIVE: HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC ISSUES; ARTICLE XXIX: SPECIAL FUND FOR WAR VICTIMS

The Government, with the support of the International Community, shall design and implement a programme for the rehabilitation of war victims. For this purpose, a special fund shall be set up.

Page 27; PART FIVE: HUMANITARIAN, HUMAN RIGHTS AND SOCIO-ECONOMIC ISSUES; ARTICLE XXX: CHILD COMBATANTS

The Government shall accord particular attention to the issue of child soldiers. It shall, accordingly, mobilize resources, both within the country and from the International Community, and especially through the Office of the UN Special Representative for Children in Armed Conflict, UNICEF and other agencies, to address the special needs of these children in the existing disarmament, demobilization and reintegration processes.

Page 29; PART SIX: IMPLEMENTATION OF THE AGREEMENT; ARTICLE XXXIII: REQUEST FOR INTERNATIONAL INVOLVEMENT

The parties request that the provisions of the present Agreement affecting the United Nations shall enter into force upon the adoption by the UN Security Council of a resolution responding affirmatively to the request made in this Agreement. Likewise, the decision-making bodies of the other international

organisations concerned are requested to take similar action, where appropriate.

Page 29; PART SEVEN: MORAL GUARANTORS AND INTERNATIONAL SUPPORT; ARTICLE XXXV: INTERNATIONAL SUPPORT

Both parties call on the International Community to assist them in implementing the present Agreement with integrity and good faith. The international organizations mentioned in Article XXXIV and the Governments of Benin, Burkina Faso, Cote d'Ivoire, Ghana, Guinea, Liberia, Libyan Arab Jamahiriya, Mali, Nigeria, Togo, the United Kingdom and the United States of America are facilitating and supporting the conclusion of this Agreement. These States and organizations believe that this Agreement must protect the paramount interests of the people of Sierra Leone in peace and security.

Page 38-39; ANNEX 4: STATEMENT BY THE GOVERNMENT OF SIERRA LEONE AND THE REVOLUTIONARY UNITED FRONT OF SIERRA LEONE ON THE DELIVERY OF HUMANITARIAN ASSISTANCE IN SIERRA LEONE

[...]

Hereby agree as follows:

1. That all duly registered humanitarian agencies shall be guaranteed safe and unhindered access to all areas under the control of the respective parties in order that humanitarian assistance can be delivered safely and effectively, in accordance with international conventions, principles and norms govern humanitarian operations.

2. In this respect the two parties shall:

a. guarantee safe access and facilitate the fielding of independent assessment missions by duly registered humanitarian agencies.

b. identify, in collaboration with the UN Humanitarian Co-ordinator in Sierra Leone and UNOMSIL, mutually agreed routes (road, air and waterways) by which humanitarian goods and personnel shall be transported to the beneficiaries to provide needed assistance.

c. allow duly registered humanitarian agencies to deliver assistance according to needs established through independent assessments.

d. guarantee the security of all properties and of and goods transported, stocked or distributed by the duly registered humanitarian agencies, as well as the security of their project areas and beneficiaries.

3. The two parties undertake to establish with immediate effect, and not later than seven days, an Implementation Committee formed by appropriately designated and mandated representatives from the Government of Sierra Leone, the Revolutionary United Front of Sierra Leone, the Civil Society, the NGO community, and the UNOMSIL; and chaired by the United Nations Humanitarian Co-ordinator, in co-ordination with the Special Representative of the Secretary General in Sierra Leone.

The Implementation Committee will be mandated to:

a. Ascertain and assess the security of proposed routes to be used by the humanitarian agencies, and disseminate information on routes to interested humanitarian agencies.

b. Receive and review complaints which may arise in the implementation of this arrangement, in order to re-establish full compliance.

4. The parties agree to set up at various levels in their areas of control, the appropriate and effective administrative and security bodies which will monitor and facilitate the effective delivery of humanitarian assistance in all approved points of delivery, and ensure the security of the personnel, goods and project areas of the humanitarian agencies as well as the safety of the beneficiaries.

CEASEFIRE AND ENDING HOSTILITIES AGREEMENT BETWEEN THE HIGH COMMAND OF THE SECURITY FORCES AND THE HIGH COMMAND OF THE SELF-DEFENCE FORCES OF RESISTANCE (FADR)

<p>ps_pol</p>	<p>Political Power-sharing</p>	
<p>ps_eco</p>	<p>Economic Power-sharing</p>	
<p>ps_mil</p>	<p>Military Power-sharing</p>	<p>Page 6; CHAPITRE III: DES DISPOSITIONS GENERALES; Article 5</p> <p>Les Parties signataires conviennent de ce qui suit: [...]</p> <ul style="list-style-type: none"> • La reinsertion d'office dans la Force Publique des officiers, sous-officiers et militaires du rang membres de la Force d'Autodefense de la Resistance FADR; <p>Page 7; CHAPITRE IV: DE LA FORCE PUBLIQUE; Article 6</p> <p>Les parties signataires du present Accord exigent:</p> <ul style="list-style-type: none"> • La reorganisation de la Force Publique; • La reinsertion sans conditions dans les rangs de la Force Publique, a leurs grades respectifs au 5 juin 1997, des militaires, gendarmes policiers et autres personnels civils qui auront rejoint leurs corps respectifs a compter de la date de signature du present accord; <p>[...]</p>
<p>tj_amn</p>	<p>Amnesty</p>	<p>Page 5; CHAPITRE III: DES DISPOSITIONS GENERALES; Article 5</p> <p>Les Parties signataires conviennent de ce qui suit:</p> <ul style="list-style-type: none"> • L'adoption et la promulgation d'une loi portant Amnistie Generale des faits de guerre commis a compter du 5 juin 1997 jusqu'a la date de signature du present accord;
<p>tj_pri</p>	<p>Prisoner Release</p>	<p>Page 5; CHAPITRE III: DES DISPOSITIONS GENERALES; Article 5</p> <ul style="list-style-type: none"> • La liberation de toutes les personnes civiles et militaires detenues du fait de la guerre;
<p>tj_hum</p>	<p>Human Rights</p>	

tj_min	Indigenous & Minority Rights	
tj_wom	Women's Rights & Gender Issues	
tj_civ	Civil & Political Rights	
tj_esc	Economic, Social & Cultural Rights	
tj_vic	Victims & Reparations	
tj_ref	Refugees & Internally Displaced Persons	<p>Page 13; ACTE PORTANT ATTRIBUTIONS ET COMPOSITION DU COMITE DE SUIVI DE L'ACCORD DE CESSEZ-LE-FEU ET DE CESSATION DES HOSTILITIES EN REPUBLIQUE DU CONGO; Article 4</p> <p>Le comite de suivi de l'Accord de cessez-le-feu et de cessation des hostilities est structure en commissions de travail, a savoir: [...] 2. la commission de la reinstallation des deplaces et des exiles dans leurs lieux de residence habituels;</p> <p>Page 19; Chapitre II: DE LA COMPOSITION ET DE L'ORGANISATION; Section 2: Du comite executif; Article 10</p> <p>Pour l'accomplissement de ses missions, le comite executif est organise en commissions specialisees de travail ainsi qu'il suit: [...] - une commission de reinstallation des sinistres, des deplaces et des exiles a leur residence habituelle;</p>
tj_tru	Truth & Reconciliation Commission	

		<p>Page 8; CHAPITRE VI: DES DISPOSITIONS COMMUNES; Article 8</p> <p>Les parties signataires du présent accord conviennent d'encourager et d'intégrer toutes les initiatives qui contribueront à la préservation de la paix en République du Congo.</p> <p>Page 9; CHAPITRE VI: DES DISPOSITIONS COMMUNES; Article 10</p> <p>Elles exigent la proscription sur toute l'étendue du territoire national des actes coercitifs et de représailles contre toute personne ou groupe organisé qui adhère et s'engage à promouvoir la paix et la réconciliation nationale.</p> <p>Page 9; CHAPITRE VII: DES DISPOSITIONS FINALES; Article 11</p> <p>Les parties signataires du présent accord s'engagent à former un bloc solidaire capable de s'opposer à toutes les forces hostiles à la paix et à la réconciliation nationale ainsi qu'aux adeptes de la violence sous toutes ses formes.</p>
tj_rec	Reconciliation	
tj_pro	Protection Measures	<p>Page 9; CHAPITRE V: DU GOUVERNEMENT DE LA REPUBLIQUE; Article 7</p> <p>Les parties signataires du présent accord recommandent: [...] - La prise en compte de la mesure relative à l'assouplissement des âges de fréquentation scolaire en faveur des enfants dont la scolarité a été perturbée par la guerre.</p>
tr_con	Constitutional Reform	
tr_leg	Legislative Branch Reform	
tr_exe	Executive Branch Reform	
tr_jud	Judiciary Reform	
tr_adm	Public Administration Reform	<p>Page 6-7; CHAPITRE III: DES DISPOSITIONS GENERALES; Article 5</p> <p>Les Parties signataires conviennent de ce qui suit: [...] - La réinsertion des fonctionnaires et autres agents de l'Etat et du secteur para-public et privé, membres de la force d'Autodéfense de la Résistance; - Le retour sans conditions des fonctionnaires et autres agents de l'Etat dans leurs services respectifs avec révision des situations administratives;</p>

- Le rétablissement sans conditions dans leurs droits, des fonctionnaires et agents de l'Etat, membres des FADR admis à faire valoir leurs droits à la retraite du fait de la guerre alors qu'à la date du 5 juin ils avaient encore un(1) deux(2) ou trois(3) ans d'activité.

Page 5; CHAPITRE II: DU COMITE DE SUIVI DE L'ACCORD DE CESSEZ-LE-FEU ET DE CESSATION DES HOSTILITIES; Article 2

Les parties signataires du présent accord conviennent de la mise en place d'un Comité de suivi mixte et paritaire de l'Accord de Cessez-le-Feu et de Cessation des hostilités chargé de:

[...]

- Assurer le redéploiement de la Force Publique sur toute l'étendue du territoire national;

Page 7; CHAPITRE III: DES DISPOSITIONS GENERALES; Article 5

Les Parties signataires conviennent de ce qui suit:

[...]

- Le recrutement dans la force publique et la réinsertion des éléments de la Force d'Autodéfense de la Résistance FADR dans la vie sociale.

Page 7-8; CHAPITRE IV: DE LA FORCE PUBLIQUE

La stabilité politique et la paix dépendent étroitement des solutions apportées aux problèmes de sécurité en général et de la Force Publique en particulier.

Le statut, la composition, le commandement et l'implantation de la Force Publique devront garantir la stabilité des Institutions, la paix, la confiance mutuelle de tous les frères d'armes en général et particulièrement les signataires du présent accord qui s'engagent à contribuer sans réserve au processus de la réorganisation impérative de la Force publique, en ayant également en vue les questions relatives à la reconstitution des carrières.

tr_mil

Military Reform

Article 6

Les parties signataires du présent Accord exigent:

- La réorganisation de la Force Publique;
- La réinsertion sans conditions dans les rangs de la Force Publique, à leurs grades respectifs au 5 juin 1997, des militaires, gendarmes policiers et autres personnels civils qui auront rejoint leurs corps respectifs à compter de la date de signature du présent accord;
- L'arrêt de toute action militaire contre les FADR signataires du présent accord;
- Le recrutement dans la Force Publique et la réinsertion dans la vie sociale des éléments des FADR.

Page 8; CHAPITRE V: DU GOUVERNEMENT DE LA REPUBLIQUE; Article 7

Les parties signataires du présent accord recommandent:

- La mise en place d'une Commission Nationale chargée de la Réorganisation de la Force Publique;

tr_pol	Police Reform	
tr_edu	Education Reform	<p>Page 6; CHAPITRE III: DES DISPOSITIONS GENERALES; Article 5</p> <p>Les Parties signataires conviennent de ce qui suit: [...]</p> <ul style="list-style-type: none"> • La reinsertion dans les etablissements scolaires et universitaires des eleves et etudiants n'ayant pu rejoindre leur lieu de scolarite du fait de la guerre; <p>Page 8; CHAPITRE V: DU GOUVERNEMENT DE LA REPUBLIQUE; Article 7</p> <p>Les parties signataires du présent accord recommandent: [...]</p> <ul style="list-style-type: none"> - La prise en compte de la mesure relative à l'assouplissement des âges de fréquentation scolaire en faveur des enfants dont la scolarité a été perturbée par la guerre.
tr_med	Media Reform	<p>Page 9; CHAPITRE VII: DES DISPOSITIONS FINALES; Article 12</p> <p>Elles souhaitent que le respect des régies déontologiques, la garantie de l'expression pluraliste de l'opinion publique, la pratique de la moderation et de la tolérance soient strictement observes aussi bien par les medias publics que privés.</p>
tr_ddd	Demobilization, Disarmament & Reintegration	<p>Page 5; CHAPITRE II: DU COMITE DE SUIVI DE L'ACCORD DE CEsSEZ-LE-FEUET DE CESSATION DES HOSTILITES; Article 2</p> <p>Les parties signataires du présent accord conviennent de la mise en place d'un Comité de suivi mixte et paritaire de l'Accord de Cessez-le-Feu et de Cessation des hostilités charge de: [...]</p> <ul style="list-style-type: none"> • Assurer la démilitarisation des Partis, mouvements et Associations Politiques; • Assurer le ramassage de toutes les armes, munitions de guerre et explosifs. <p>Page 6-7; CHAPITRE III: DES DISPOSITIONS GENERALES; Article 5</p> <p>Les Parties signataires conviennent de ce qui suit:</p> <ul style="list-style-type: none"> • La reinsertion d'office dans la Force Publique des officiers, sous-officiers et militaires du rang membres de la Force d'Autodefense de la Resistance FADR; • La reinsertion des fonctionnaires et autres agents de l'Etat et du secteur para-public et prive, membres de la force d'Autodefense de la Resistance; • Le recrutement dans la force publique et la reinsertion des elements de la Force d'Autodefense de la Resistance FADR dans la vie sociale. • Le retablissement sans conditions dans leurs droits, des fonctionnaires et agents de l'Etat, membres des FADR admis a faire valoir leurs droits a la retraite du fait de la guerre alors qu'a la date du 5juin ilsavaient encore un(1) deux(2) ou trois(3) ans d'activite. <p>Page 8; CHAPITRE IV: DE LA FORCE PUBLIQUE; Article 6</p> <p>Les parties signataires du présent Accord exigent: [...]</p>

		<p>- Le recrutement dans la Force Publique et la réinsertion dans la vie sociale des éléments des FADR.</p> <p>Page 8; CHAPITRE V: DU GOUVERNEMENT DE LA REPUBLIQUE; Article 7</p> <p>Les parties signataires du présent accord recommandent: [...]</p> <p>- La mobilisation de la Communauté Nationale et Internationale pour une assistance multiforme aux populations et un soutien massif des Organisations non Gouvernementales compétentes en vue du financement des micro-projets de réinsertion et de reconversion des éléments des FADR;</p>
tr_tim	Transitional Timeline	
tr_epr	Electoral & Political Party Reform	<p>Page 5; CHAPITRE II: DU COMITE DE SUIVI DE L'ACCORD DE CESSEZ-LE-FEU ET DE CESSATION DES HOSTILITES; Article 2</p> <p>Les parties signataires du présent accord conviennent de la mise en place d'un Comité de suivi mixte et paritaire de l'Accord de Cessez-le-Feu et de Cessation des hostilités chargé de: [...]</p> <ul style="list-style-type: none"> • Assurer la démilitarisation des Partis, mouvements et Associations Politiques;
tr_dev	Socio-Economic Development	<p>Page 6; CHAPITRE III: DES DISPOSITIONS GENERALES; Article 5</p> <p>Les Parties signataires conviennent de ce qui suit: [...]</p> <ul style="list-style-type: none"> • La libre circulation des personnes et des biens, ainsi que des organisations humanitaires dans les zones de conflit; • La réinsertion dans les établissements scolaires et universitaires des élèves et étudiants n'ayant pu rejoindre leur lieu de scolarité du fait de la guerre; • L'aménagement par les parties signataires des couloirs humanitaires permettant l'assistance aux populations, sous le contrôle du Comité de Suivi Mixte et Paritaire de l'Accord de Cessez-le-Feu et de Cessation des Hostilités;
tr_cul	Cultural Heritage/ Protections	
tr_fin	Financial Arrangements	

<p>tj_dsm</p>	<p>Dispute Settlement Mechanisms</p>
<p>ia_ver</p>	<p>Verification & Monitoring Mechanism</p>
<p>ia_pko</p>	<p>Peacekeeping</p>
<p>ia_adv</p>	<p>International Assistance & Advice</p>

Page 5-6; CHAPITRE II: DU COMITE DE SUIVI DE L'ACCORD DE CÉSEZ-LE-FEU ET DE CESSATION DES HOSTILITES

Article 2

Les parties signataires du present accord conviennent de la mise en place d'un Comite de suivi mixte et paritaire de l'Accord de Cessez-le-Feu et de Cessation des hostilites charge de:

- Assurer le controle et la verification des mesures d'application du Cessez le-Feu dans les zones de conflit;
- Definir les modalites pratiques de mise en ceuvre de l'accord de Cessez le-Feu et de Cessation des Hostilites sur toute l'etendue du territoire national notamment dans les zones de conflit;
- Assurer le redeploiement de la Force Publique sur toute l'etendue du territoire national;
- Assurer la demilitarisation des Partis, mouvements et Associations Politiques;
- Assurer le ramassage de toutes les armes, munitions de guerre et explosifs.

Article 3

Le Comite de Suivi mixte et paritaire de l'Accord de Cessez-le-Feu et de Cessation des Hostilites, est place sous l'egide de son Excellence El Hadj OMAR BONGO, President de la Republique Gabonaise.

Article 4

Les attributions et la composition dudit Comite sont prescrites en annexe.

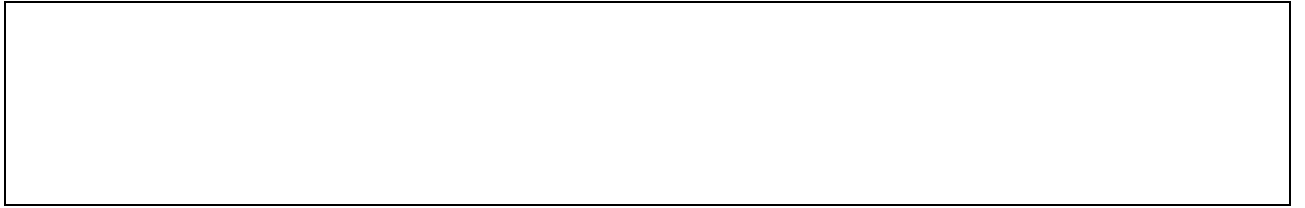
Page 8; CHAPITRE V: DU GOUVERNEMENT DE LA REPUBLIQUE; Article 7

Les parties signataires du présent accord recommandent: [...]

- La mobilisation de la Communauté Nationale et Internationale pour une assistance multiforme aux populations et un soutien massif des Organisations non Gouvernementales compétentes en vue du financement des micro-projets de réinsertion et de reconversion des éléments des FADR;

Page 9; CHAPITRE VII: DES DISPOSITIONS FINALES; Article 13

Les signataires du présent accord conviennent de recommander à son Excellence El Hadj OMAR BONGO, Président de la République Gabonaise, en sa qualité de Médiateur international de poursuivre ses efforts en faveur de la paix en Afrique et particulièrement en République du Congo en organisant dès que possible avec le concours de la communauté internationale, le Dialogue National sans exclusive en vue d'une paix durable et du retour de la démocratie en République du Congo Brazzaville.



**Page 31-32; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-
TRANSITION CONSTITUTION; Article 6: The Legislature**

[...]

11. The National Assembly and the Senate shall adopt the rules of procedure governing their respective organization and functioning and the election of their bureaux. The post- transition Constitution must specify the duties of the bureaux, when the National Assembly shall convene for the first time and who shall preside at the initial meeting. The National Assembly's Bureau shall have a multiparty character, while the Senate's Bureau shall be of a multi-ethnic character.

[...]

14. There shall be a Senate having the functions set forth herein, and such other functions as are allocated to it in the Constitution or in any law. The Senate shall comprise two delegates from each province. They shall be elected by an Electoral College comprising members of the commune councils in the province in question, shall be from different ethnic communities and shall be elected in separate ballots.

[...]

18. The Senate shall ensure that commune councils in general reflect the ethnic diversity of their constituencies; if the composition of any Commune Council does not do so, it may order the co-optation of persons by the Commune Council from an underrepresented ethnic group to that Council, provided that no more than one-fifth of the Council may consist of such co-opted persons. The persons to be co-opted shall be identified by the Senate from a list of names supplied to it by the Commune Council or by any colline chief within the commune.

ps_pol

Political Power-
sharing

**Page 33; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-
TRANSITION CONSTITUTION; Article 7: The Executive**

[...]

4. In the exercise of her/his functions, the President of the Republic shall be assisted by two Vice-Presidents. They shall be appointed by the President of the Republic, who shall previously have submitted their candidacy for approval by the National Assembly and the Senate, voting separately, by a majority of their members. The President of the Republic may dismiss the Vice-Presidents. They shall belong to different ethnic groups and political parties.

[...]

6. Parties or coalitions thereof shall be invited, but not obliged, to submit to the President a list of persons to serve as ministers if such parties or coalitions have received more than one-twentieth of the vote. They shall be entitled to at least the same proportion, rounded off downwards, of the total number of ministers as their proportion of members in the National Assembly. If the President dismisses a minister, she/he must choose a replacement from a list submitted by the party or coalition of the minister in question.

**Page 35; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-
TRANSITION CONSTITUTION; Article 9: The Judiciary**

[...]

12. A Judicial Service Commission with an ethnically balanced composition shall be established. It shall be made up of five members nominated by the Executive, three judges of the Supreme Court, two magistrates from the National Department of Public Prosecutions, two judges from the resident magistrates' courts and three members of the legal profession in private

practice. The judges, magistrates and members of the legal profession shall be chosen by their peers. All members of the Commission shall be approved by the Senate.

**Page 41-43; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 15: Transitional institutions**

3. The composition of the transitional National Assembly shall be as follows:

The National Assembly

[...]

(b) The transitional National Assembly shall be augmented so that each of the participating parties which are not represented under (a) will be entitled to at least three seats so as to be represented within the transitional National Assembly;

[...]

The Senate

(a) The Senate shall be put in place by the President of the Republic and the Bureau of the National Assembly, while ensuring respect for the political, regional and ethnic balances;

[...]

8.[...]

(b) The President and the Vice-President of the transitional National Assembly shall come from two different political families.

12. The first transitional President and Vice-President of the Republic shall come from different ethnic groups and political parties. In the event of the death or incapacity of either of them, the new transitional President or Vice-President of the Republic shall be elected by the transitional National Assembly by a resolution which receives the support of two-thirds of the members. Pending the election of a new President, the President of the transitional National Assembly, assisted by the Vice-President of the Republic, shall act as President. The term of the transitional President and Vice-President shall terminate upon the election of the first President under the provisions of this Protocol.

13. During the transition period, there shall be a broad-based transitional Government of national unity. The Government shall include representatives of different parties in a proportion whereby more than half and less than three-fifths of the portfolios are allocated amongst the G-7 group of parties.

[...]

14. The precise identity of the members of the transitional Executive shall be decided by the transitional President and Vice-President after consultations with the heads of the parties participating in the transitional National Assembly.

15. [...]

(b) The transitional President and Vice-President shall determine the initial function of each Minister when allocating the ministries to parties. The transitional President and Vice-President shall ensure that the minister in charge of the defence force belongs to a different family of parties from the minister responsible for the police.

[...]

**Page 48-49; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 20: Elections**

[...]

8. The electoral system for the National Assembly shall be the system of blocked lists with proportional representation. The revised electoral code shall prescribe that lists be multiethnic in character and reflect gender representation. For each three names in sequence on a list, only two may belong to the same ethnic group, and for each five names at least one shall be a woman.

[...]

13.

(d) At the national level, not more than 67% of commune administrators shall be from either of the two main ethnic components. The Senate shall ensure respect for this principle.

APPENDIX I; I. SUMMARY OF CONSTITUTIONAL AND TRANSITIONAL PROPOSALS FOR BURUNDI; B. SUMMARY OF PROPOSALS

3. Additional co-optation to the National Assembly

The proposals allow for the possibility of additional minority representation in the first elections by a co-optation mechanism which grants enhanced representation for opposition parties by allocating an equal proportion of a further 20 seats to all qualifying parties regardless of their popular support. In effect this would mean that members of minority groups (some 15% of the population including the Batwa) should fill some 40% or more of the seats in the National Assembly. It would also mean enhanced opposition representation in the Assembly, and would partially allay fears of a dominant single party.

4. Ethnically balanced Senate

In addition the proposals envisage a second chamber in which two representatives, one Hutu and one Tutsi, will be indirectly elected from each province. This chamber, the Senate, thus has parity in respect of the ethnic membership of its provincial representatives. The Senate is given important powers to confirm or approve strategic appointments and laws of an important nature. It should be stated that the proposals regarding the establishment, powers and composition of the Senate were strongly supported by many of the parties purporting to represent minority concerns – and strongly opposed by the G-7 group of parties. The electoral college for the Senate is comprised of local- level councils constituted on a non-party basis. It need hardly be repeated that this proposal involves parity of membership between members of ethnic groups that constitute 85% and 13% of the population respectively. They will, however, be popularly elected.

[...]

6. Multi-ethnic presidency

In addition, the proposals envisage that there will be two vice-presidents, each coming from a different political and ethnic group. These proposals also emanate from parties representing minority concerns.

7. Government of national unity

In terms of the proposals, opposition parties with more than 5% of the popular vote will be entitled to choose to serve in the cabinet. This proposal ensures an inclusive government and blunts the winner-take-all nature of party politics in Burundi.

9. High decision-making majorities

In regard to decision- making majorities that are required for important matters and certain appointments, high, and some very high, majorities of support are required in the National Assembly. Again, these proposals emanate from the concerns of parties representing minorities. In particular, many important executive appointments are made subject to Senate and National Assembly approval.

[...]

APPENDIX I; II. COMMENTS ON INDIVIDUAL POINTS IN THE PROPOSALS

Article 15, paragraph 3(a)

In the 1993 elections FRODEBU won 65 seats, UPRONA 16, for a total of 81 members. The surviving original members will be offered their seats back even if they now belong to new political parties. If they decline or are nominated to the Executive, or are no longer alive, the political party they belong to, or belonged to at the time of their death, will elect to fill the seat or allow the current replacement to continue in office.

Article 15, paragraph 3(b)

There are 19 parties to the Burundi Peace Negotiations. Two of them are not political parties (Government/National Assembly). The Bureau assumed that two parties will join the Negotiations as additional members (if not, the figures

will change slightly). This leaves 19 political parties in total. Of those 19 political parties, two will not be attributed additional seats (FRODEBU and UPRONA). One party (CNDD) is probably represented by its original members. This leaves 16 political parties to which seats must be attributed: $16 \times 3 = 48$ new seats. The total adds up to 129 members of the National Assembly ($81 + 48 = 129$). At the G-7 level, the figures are as follows: $(65 \text{ FRODEBU}) + 7 \times 3 = 86$ or $+ 8 \times 3 = 89$. This gives G-7 two-thirds or more. The third principle requires that additional representation be provided for, which demands that we add some 15 members who do not belong to the G-7 parties. The unknown element of this equation remains the two political parties who could join the Burundi Peace Negotiations. It is impossible to know if there are members of the 1993 National Assembly amongst their militants, so the Bureau has calculated as if there were not, though this could be modified at the required moment.

[...]

Article 15, paragraph 13

The exact composition of the transitional Government is to be negotiated between the clusters of political parties at Arusha once the broad framework is agreed on. The G-7 at the Burundi Peace Negotiations consisted CNDD, FRODEBU, FROLINA, PALIPEHUTU, PL, PP and RPB. However, the group is taken here to include, if they eventually participate, the armed groups not at Arusha but which originate from or claim to represent parties in the G-7. In the interests of appropriate appointments on the basis of suitability and competence, the Bureau believes that candidates should come from clusters, not pro rata from 19 parties.

[...]

Article 20, paragraph 7

The exceptional co-optation mechanism:

(1) Ensures additional representation of all parties equally, thus providing for greater balance in debates when one party is overwhelmingly dominant. It does so by distributing the seats equally, by avoiding an arbitrary co-optation process or mechanism, and by confining co-optees to those who appeared on the electoral lists;

(2) Is not intended to apply after the first election or if there is a balanced spread of parties;

(3) Is warranted, despite its limited distortion of the electoral result, which would not drastically alter the outcome, because of the exceptional degree of conflict and insecurity in Burundi.

ps_eco

Economic Power-sharing

ps_mil

Military Power-sharing

**Page 38; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-TRANSITION CONSTITUTION**

Article 11: Defence and security forces:

4.

[...]

(d) For a period to be determined by the Senate, not more than 50% of the national defence force shall be drawn from any one ethnic group, in view of the need to achieve ethnic balance and to prevent acts of genocide and coups d'état.

**Page 63-66; PROTOCOL III: PEACE AND SECURITY FOR ALL;
CHAPTER II: THE DEFENCE AND SECURITY FORCES**

Article 13: Structure of the defence and security forces

[...]

4. Command of the defence and security forces

Command posts shall be distributed on the basis of competence and merit while ensuring the necessary ethnic balances.

Article 14: Composition of the defence and security forces

1. Composition of the national defence force

[...]

(g) For a period to be determined by the Senate, not more than 50% of the national defence force shall be drawn from any one ethnic group, in view of the need to achieve ethnic balance and to prevent acts of genocide and coups d'état.

[...]

2. Composition of the national police

[...]

(e) Not more than 50% of the members of the national police shall be drawn from any one particular ethnic group, with a view to achieving the necessary balances and preventing acts of genocide or of coup d'état.

Article 16: Balances within the defence and security forces

[...]

3. Correction of the imbalances shall be achieved during the transition period through the integration into the current defence and security forces of the combatants of the political parties and movements and through the recruitment of other Burundian citizens.

4. For purposes of rapid reduction of the command-level imbalances, accelerated training of commissioned and non-commissioned officers from among the combatants of the political parties and movements shall be conducted in Burundi and abroad as soon as the transition period commences.

Page 23; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT, PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS; CHAPTER II: SOLUTIONS; Article 8: Principles and measures relating to national reconciliation

1. A national commission known as the National Truth and Reconciliation Commission shall be established. This Commission shall have the following functions:

[...]

(b) Arbitration and reconciliation

[...]

In this context, the transitional National Assembly may pass a law or laws providing a framework for granting an amnesty consistent with international law for such political crimes as it or the National Truth and Reconciliation Commission may find appropriate;

tj_amn

Amnesty

Page 72; PROTOCOL III: THE DEFENCE AND SECURITY FORCES, CHAPTER III: PERMANENT CEASEFIRE AND CESSATION OF HOSTILITIES, Article 26: General principles

1. The following principles are agreed upon:

[...]

(l) Amnesty shall be granted to all combatants of the political parties and movements for crimes committed as a result of their involvement in the conflict, but not for acts of genocide, crimes against humanity or war crimes, or for their participation in coups d'état.

Page 91; PROTOCOL V: GUARANTEES ON IMPLEMENTATION OF THE AGREEMENT; Article 5 Commissions

7. Ceasefire Commission

[...]

(i) The amnesty provided for in article 26(l) of Protocol III to the Agreement shall go into effect on the date of signature of the Agreement.

		<p>Page 44; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 15: Transitional institutions</p> <p>20. (a) The transitional Government shall within 30 days of the commencement of the transition establish a commission under the chairmanship of a judge to investigate, as a matter of urgency, and to make recommendations on: [...]</p> <p>(ii) The release of prisoners awaiting trial in respect of whom there has been an undue delay in the prosecution of their cases;</p> <p>(iii) The existence of and release of any political prisoners.</p> <p>(b) The establishment of this commission shall not preclude the transitional Government or the transitional National Assembly dealing with the above matters.</p>
<p>tj_pri</p>	<p>Prisoner Release</p>	<p>Page 70; PROTOCOL III: THE DEFENCE AND SECURITY FORCES; CHAPTER III: PERMANENT CEASEFIRE AND CESSATION OF HOSTILITIES; Article 25: Definitions</p> <p>2. The cessation of hostilities shall involve:</p> <p>(c) Release of all the political prisoners, closure of all the forced regroupment camps and respect for civil and political rights and freedoms shall take place from the date of signature of the Agreement;</p> <p>Page 71; PROTOCOL III: THE DEFENCE AND SECURITY FORCES; CHAPTER III: PERMANENT CEASEFIRE AND CESSATION OF HOSTILITIES; Article 26: General principles</p> <p>1. The following principles are agreed upon:</p> <p>(c) All persons detained or taken hostage on account of political belief or activities shall be released and given the latitude to relocate to anywhere within the country;</p>
		<p>Page 3; [Untitled Preamble]</p> <p>Reaffirming our unwavering determination to put an end to the root causes underlying the recurrent state of violence, bloodshed, insecurity, political instability, genocide and exclusion which is inflicting severe hardships and suffering on the people of Burundi, and seriously hampers the prospects for economic development and the attainment of equality and social justice in our country,</p> <p>Page 15; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT, PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS, PREAMBLE</p> <p>[...]</p> <p>Resolved to eradicate genocide and to reject all forms of division, discrimination and exclusion,</p> <p>Page 17; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT, PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS; CHAPTER II: SOLUTIONS; Article 5: General political measures</p> <p>1. Institution of a new political, economic, social and judicial order in Burundi, in the context of a new constitution inspired by Burundian realities and founded on the values of justice, the rule of law, democracy, good governance, pluralism, respect for the fundamental rights and freedoms of the individual, unity, solidarity, equality between women and men, mutual understanding and tolerance among the various political and ethnic components of the Burundian people.</p>
	<p>tj_hum</p>	<p>Human Rights</p>

Page 18-19; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT, PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS; CHAPTER II: SOLUTIONS; Article 6: Principles and measures relating to genocide, war crimes and other crimes against humanity

Political principles and measures

1. Combating the impunity of crimes.
2. Prevention, suppression and eradication of acts of genocide, war crimes and other crimes against humanity, as well as violations of human rights, including those which are gender-based.
3. Implementation of a vast awareness and educational programme for national peace, unity and reconciliation.
4. Establishment of a national observatory for the prevention and eradication of genocide, war crimes and other crimes against humanity.
5. Promotion of regional cooperation to establish a regional observatory for the prevention and eradication of genocide, war crimes and other crimes against humanity.
6. Promotion of a national inter-ethnic resistance front to combat genocide, war crimes and other crimes against humanity, as well as generalization and collective attribution of guilt.
7. Erection of a national monument in memory of all victims of genocide, war crimes and other crimes against humanity, bearing the words «NEVER AGAIN».
8. Institution of a national day of remembrance for victims of genocide, war crimes and other crimes against humanity, and taking of measures that would facilitate the identification of mass graves and ensure a dignified burial for the victims.

Principles and measures in the area of justice

9. Enactment of legislation to counter genocide, war crimes and other crimes against humanity, as well as human rights violations.

Page 19; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT, PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS; CHAPTER II: SOLUTIONS, Article 7: Principles and measures relating to exclusion

1. Constitutional guarantees of the principle of the equality of rights and duties for all citizens, men and women, and all the ethnic, political, regional and social components of Burundian society.

Page 25; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-TRANSITION CONSTITUTION; Article 1: Fundamental values

1. All Burundians are equal in value and dignity. All citizens are entitled to equal rights and to equal protection of the law. No Burundian shall be excluded from the social, economic or political life of the nation on account of her/his race, language, religion, gender, or ethnic origin.
[...]

Page 26; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-TRANSITION CONSTITUTION; Article 1: Fundamental values

3. Government shall be based on the will of the Burundian people, shall be accountable to them, and shall respect their fundamental rights and freedoms.

**Page 26-29; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-
TRANSITION CONSTITUTION; Article 3: Charter of Fundamental Rights**

1. The rights and duties proclaimed and guaranteed inter alia by the Universal Declaration of Human Rights, the International Covenants on Human Rights, the African Charter on Human and Peoples' Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child shall form an integral part of the Constitution of the Republic of Burundi. These fundamental rights shall not be limited or derogated from, except in justifiable circumstances acceptable in international law and set forth in the Constitution.

2. All citizens shall have rights and obligations.

3. Human dignity shall be respected and protected.

4. All women and men shall be equal. No one may be discriminated against, inter alia, on grounds of origin, race, ethnicity, gender, colour, language, social situation, or religious, philosophical or political convictions, or by reason of a physical or mental handicap. All citizens shall enjoy equal protection of the law, as well as equal treatment under the law.

[...]

29. Any restriction of a fundamental right must have a legal basis; it must be justified by the public interest or by the protection of another person's fundamental right; it must be proportional to the objective pursued.

30. Fundamental rights must be respected throughout the legal, administrative and institutional order. The Constitution shall be the supreme law and must be upheld by the Legislature, the Executive and the Judiciary. Any law that is not in conformity with the Constitution shall be invalid.

**Page 38; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-
TRANSITION CONSTITUTION; Article 11: Defence and security forces**

4. [...]

(c) The defence and security forces shall be trained at all levels to respect international humanitarian law and the supremacy of the Constitution.

**Page 53; PROTOCOL III: PEACE AND SECURITY FOR ALL; CHAPTER I:
PEACE AND SECURITY FOR ALL; Article 1: Principles of peace and
security for all**

1. All Burundian citizens have the right to live in peace and security without any discrimination whatsoever.

[...]

3. The institutions have the primary duty to guarantee:

[...]

(b) The protection of the inalienable rights of the human person, starting with the right to life, and the rights embodied inter alia in the Universal Declaration of Human Rights and in the international conventions to which Burundi is a party;

**Page 55-56; PROTOCOL III: PEACE AND SECURITY FOR ALL;
CHAPTER I: PEACE AND SECURITY FOR ALL; Article 2: Causes of the
violence and insecurity in Burundi**

The post-colonial period

5. Political instability consequent upon the undermining of the legitimacy of the post-colonial institutions, accentuated by:

[...]

(c) Impunity of those committing political crimes and human rights violations and practising regionalism, patronage, cronyism and corruption; [...]

9. Lack of respect for the traditions, norms and cardinal principles of the democratic system, including tolerance and respect for the inalienable rights of the human person, especially the right to life.

Page 57; PROTOCOL III: PEACE AND SECURITY FOR ALL; CHAPTER I: PEACE AND SECURITY FOR ALL; Article 5: Manifestations of the insecurity and violence

The insecurity and violence are manifested in:

(a) Civil war; the destruction of public and private property; genocide, massacres, coups d'état, extra-judicial executions, premeditated murders, torture, rape, arbitrary arrests and imprisonment and other inhuman and degrading forms of treatment;

Page 58; PROTOCOL III: PEACE AND SECURITY FOR ALL; CHAPTER I: PEACE AND SECURITY FOR ALL; Article 8: Protection of the inalienable rights of the human person

It is the duty of the State:

(a) To protect the inalienable rights of the human person, starting with the right to life and including the rights to freedom, security, work, education and freedom of expression, and all other rights embodied inter alia in the Universal Declaration of Human Rights and in the international conventions to which Burundi is a party;

(b) To prohibit and punish violations of the inalienable rights of the human person;

(c) To institute a proactive policy aimed at promoting human rights through education and training of the population, including all political and technical officials.

Page 64; CHAPTER II: THE DEFENCE AND SECURITY FORCES; Article 14. Composition of the defence and security forces

1. Composition of the national defence force
[...]

(e) Members of the Burundian armed forces found guilty of acts of genocide, coups d'état, violation of the Constitution and human rights and war crimes shall be excluded from the national defence force. Combatants of the political parties and movements found guilty of the same offences shall also not be accepted into the national defence force.

Page 67; PROTOCOL III: PEACE AND SECURITY FOR ALL; CHAPTER II: THE DEFENCE AND SECURITY FORCES; Article 18: Training

1. The defence and security forces shall have technical, moral and civic training. This training shall include the culture of peace, aspects of conduct relating to the democratic multi-party political system, human rights and humanitarian law.

Page 69; CHAPTER II: THE DEFENCE AND SECURITY FORCES; Article 23. National, regional, and international environment

4. National observatories shall be established on genocide, ethnic hegemony and domination, oppression and exclusion, coups d'état, political assassinations, arms trafficking and human rights violations in the Great Lakes region. The establishment of similar observatories at the regional and international levels shall be promoted.

**Page 82-83; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER II: PHYSICAL AND POLITICAL RECONSTRUCTION; Article
13: Political reconstruction**

Physical reconstruction and political reconstruction must be mutually supportive. Political reconstruction is aimed at making national reconciliation and peaceful coexistence possible, and must be directed towards the establishment of the rule of law. In this context, the following programmes and measures shall be undertaken:

[...]

(b) Promotion of the rights and freedoms of the human person;

**Page 20-21; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT,
PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS;
CHAPTER II: SOLUTIONS; Article 7: Principles and measures relating to
exclusion**

Principles and measures relating to the defence and security forces

[...]

17. Relevant reforms to correct the ethnic, gender and regional imbalances within these forces pursuant to the relevant provisions of Protocol III to the Agreement.

Principles and measures relating to justice

18. Pursuant to the relevant provisions of Protocol II to the Agreement:

[...]

(b) Reform of the judicial machinery at all levels, inter alia with a view to correcting ethnic and gender imbalances where they exist;

**Page 31; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-
TRANSITION CONSTITUTION; Article 6: The Legislature**

11. [...] The National Assembly's Bureau shall have a multiparty character, while the Senate's Bureau shall be of a multi-ethnic character.

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Indigenous &
Minority Rights

14. There shall be a Senate having the functions set forth herein, and such other functions as are allocated to it in the Constitution or in any law. The Senate shall comprise two delegates from each province. They shall be elected by an Electoral College comprising members of the commune councils in the province in question, shall be from different ethnic communities and shall be elected in separate ballots.

15. A former president shall be entitled to sit in the Senate. The Senate may co-opt up to three members of the Batwa group so as to ensure representation of this community.

18. The Senate shall ensure that commune councils in general reflect the ethnic diversity of their constituencies; if the composition of any Commune Council does not do so, it may order the co-optation of persons by the Commune Council from an underrepresented ethnic group to that Council, provided that no more than one-fifth of the Council may consist of such co-opted persons. The persons to be co-opted shall be identified by the Senate from a list of names supplied to it by the Commune Council or by any colline chief within the commune.

**Page 33; PROTOCOL II DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-
TRANSITION CONSTITUTION; Article 7: The Executive**

4. [...] The President of the Republic may dismiss the Vice-Presidents. They shall belong to different ethnic groups and political parties.

**Page 35; PROTOCOL II DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-
TRANSITION CONSTITUTION; Article 9: The Judiciary**

12. A Judicial Service Commission with an ethnically balanced composition shall be established. [...]

**Page 37; PROTOCOL II DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-
TRANSITION CONSTITUTION; Article 10: The administration**

4. The administration shall be broadly representative and reflect the diversity of the components of the Burundian nation. [...]

**Page 38; PROTOCOL II DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-
TRANSITION CONSTITUTION; Article 11: Defence and security forces**

4. [...]

(d) For a period to be determined by the Senate, not more than 50% of the national defence force shall be drawn from any one ethnic group, in view of the need to achieve ethnic balance and to prevent acts of genocide and coups d'état.

**Page 41-43; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 15: Transitional
institutions**

3. The composition of the transitional National Assembly shall be as follows:
[...]

The Senate

[...]

(b) It shall include inter alia former heads of State, three individuals from the Twa ethnic group and members of the transitional National Assembly coopted by the President of the Republic and the Bureau of the transitional National Assembly;

12. The first transitional President and Vice-President of the Republic shall come from different ethnic groups and political parties. [...]

**Page 48-49; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 20: Elections**

8. The electoral system for the National Assembly shall be the system of blocked lists with proportional representation. The revised electoral code shall prescribe that lists be multiethnic in character and reflect gender representation. For each three names in sequence on a list, only two may belong to the same ethnic group, and for each five names at least one shall be a woman.

13.[...]

(d) At the national level, not more than 67% of commune administrators shall be from either of the two main ethnic components. The Senate shall ensure respect for this principle.

**Page 53; PROTOCOL III: PEACE AND SECURITY FOR ALL; CHAPTER I:
PEACE AND SECURITY FOR ALL; Article 1: Principles of peace and
security for all**

3. The institutions have the primary duty to guarantee:

[...]

(c) The protection of all the ethnic communities of the population through specific mechanisms for the prevention of coups d'état, segregation and genocide;

[...]

Page 64; PROTOCOL III: PEACE AND SECURITY FOR ALL; CHAPTER II: THE DEFENCE AND SECURITY FORCES; Article 14: Composition of the defence and security forces

1. Composition of the national defence force

[...]

(g) For a period to be determined by the Senate, not more than 50% of the national defence force shall be drawn from any one ethnic group, in view of the need to achieve ethnic balance and to prevent acts of genocide and coups d'état.

2. Composition of the national police

(a) There shall be a single national police composed of all citizens of the Burundian nation wishing to form part of it, irrespective of ethnic, regional, gender and social status.

[...]

(e) Not more than 50% of the members of the national police shall be drawn from any one particular ethnic group, with a view to achieving the necessary balances and preventing acts of genocide or of coup d'état.

Page 66; PROTOCOL III: PEACE AND SECURITY FOR ALL; CHAPTER II: THE DEFENCE AND SECURITY FORCES; Article 16: Balances within the defence and security forces

1. The following criteria shall be used to determine the imbalances in the defence and security forces:

[...]

(b) Ethnic;

[...]

Page 17-23; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT, PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS; CHAPTER II: SOLUTIONS

Article 5: General political measures

1. Institution of a new political, economic, social and judicial order in Burundi, in the context of a new constitution inspired by Burundian realities and founded on the values of justice, the rule of law, democracy, good governance, pluralism, respect for the fundamental rights and freedoms of the individual, unity, solidarity, equality between women and men, mutual understanding and tolerance among the various political and ethnic components of the Burundian people.

Article 6: Principles and measures relating to genocide, war crimes and other crimes against humanity

Political principles and measures

[...]

2. Prevention, suppression and eradication of acts of genocide, war crimes and other crimes against humanity, as well as violations of human rights, including those which are gender-based.

Article 7: Principles and measures relating to exclusion

1. Constitutional guarantees of the principle of the equality of rights and duties for all citizens, men and women, and all the ethnic, political, regional and social components of Burundian society.

3. Banning of all political or other associations advocating ethnic, regional, religious or gender discrimination or ideas contrary to national unity.

Principles and measures related to public administration

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Women's Rights &
Gender Issues

5. A qualified, efficient and responsible administration that shall work in the general interest and promote balance, including gender balance.

8 Equal opportunities of access to this sector for all men and women through strict respect for, or the introduction of, laws and regulations governing the recruitment of State personnel and the staff of public and parastatal enterprises, as well as through transparency of competitive entrance examinations.

Principles and measures relating to education

11. Equitable regional distribution of school buildings, equipment and textbooks throughout the national territory, in such a way as to benefit girls and boys equally.

12. Deliberate promotion of compulsory primary education that ensures gender parity through joint financial support from the State and the communes.

14. Restoration of the rights of girls and boys whose education has been interrupted as a result of the Burundi conflict or of exclusion, by effectively reintegrating them into the school system and later into working life.

Principles and measures relating to the defence and security forces

17. Relevant reforms to correct the ethnic, gender and regional imbalances within these forces pursuant to the relevant provisions of Protocol III to the Agreement.

Principles and measures relating to justice

18. Pursuant to the relevant provisions of Protocol II to the Agreement:

[...]

b. Reform of the judicial machinery at all levels, inter alia with a view to correcting ethnic and gender imbalances where they exist;

Article 8: Principles and measures relating to national reconciliation

2. Membership of the commission

(a) Source

Candidates for membership of the Commission shall be put forward by civil society associations, political parties, religious denominations or women's organizations, or may stand as individual candidates.

Page 25-28; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST- TRANSITION CONSTITUTION

Article 1: Fundamental values

1. All Burundians are equal in value and dignity. All citizens are entitled to equal rights and to equal protection of the law. No Burundian shall be excluded from the social, economic or political life of the nation on account of her/his race, language, religion, gender, or ethnic origin.

Article 3: Charter of Fundamental Rights

1. The rights and duties proclaimed and guaranteed inter alia by the Universal Declaration of Human Rights, the International Covenants on Human Rights, the African Charter on Human and Peoples' Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child shall form an integral part of the Constitution of the Republic of Burundi. These fundamental rights shall not be limited or derogated from, except in justifiable circumstances acceptable in international law and set forth in the Constitution.

[...]

4. All women and men shall be equal. No one may be discriminated against, inter alia, on grounds of origin, race, ethnicity, gender, colour, language, social situation, or religious, philosophical or political convictions, or by reason of a physical or mental handicap. All citizens shall enjoy equal protection of the law, as well as equal treatment under the law.
[...]

**Page 35; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-
TRANSITION CONSTITUTION; Article 9: The Judiciary**

11. No one shall be denied a post in the magistracy on grounds of ethnic origin or gender.

**Page 37; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-
TRANSITION CONSTITUTION; Article 10: The administration**

6. No civil servant or member of the Judiciary may be accorded favourable or unfavourable treatment solely on grounds of her/his gender, ethnicity or political affiliation.

**Page 43; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 15: Transitional
institutions**

16. [...] It shall also take into account the need to reflect ethnic, religious, political, and gender balance in its decisions and appointments.

**Page 45; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 17: Judicial and
administrative reforms**

(a) The promotion of gender and ethnic balances in the Burundian judicial sector shall be undertaken, inter alia through recruitment and appointment;

(b) So as to correct the ethnic and gender imbalances in the Burundian judicial sector during and after the transition period, [...]

**Page 48; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER II: TRANSITIONAL ARRANGEMENTS, Article 20: Elections**

8. The electoral system for the National Assembly shall be the system of blocked lists with proportional representation. The revised electoral code shall prescribe that lists be multi-ethnic in character and reflect gender representation. For each three names in sequence on a list, only two may belong to the same ethnic group, and for each five names at least one shall be a woman.

**Page 63-64; PROTOCOL III: PEACE AND SECURITY FOR ALL;
CHAPTER II: DEFENCE AND SECURITY FORCES; Article 14:
Composition of the defence and security forces**

1. Composition of the national defence force

(a) There shall be a single defence force composed of all components of the Burundian nation irrespective of ethnic, regional, gender and/or social status.

2. Composition of the national police

(a) There shall be a single national police composed of all citizens of the Burundian nation wishing to form part of it, irrespective of ethnic, regional, gender and social status.

Page 66; PROTOCOL III: PEACE AND SECURITY FOR ALL; CHAPTER II: DEFENCE AND SECURITY FORCES; Article 16: Balances within the defence and security forces

1. The following criteria shall be used to determine the imbalances in the defence and security forces:

[...]

(d) Gender.

Page 77; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT; CHAPTER I: REHABILITATION AND RESETTLEMENT OF REFUGEES AND SINISTRÉS; Article 2: Principles governing return, resettlement and reintegration

2. It shall respect the following principles:

[...]

h. In the return of the refugees and the resettlement and reintegration of the returnees and displaced and regrouped persons, the principle of equity, including gender equity, must be strictly applied in order to avoid any measure or treatment that discriminates against or favours any one among these categories.

Page 78-79; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT; CHAPTER I: REHABILITATION AND RESETTLEMENT OF REFUGEES AND SINISTRÉS; Article 4: Guidelines governing resettlement and integration

The CNRS shall decide on the activities for the resettlement and integration of refugees and sinistrés in accordance with the priority plan taking into account the availability of resources, in order to achieve the following aims and objectives:

[...]

(c) To provide communes, villages and collines with assistance in the reconstruction of community infrastructures and with support for income-generating activities, paying special attention to women and enhancing their roles in building and sustaining families and communities;

Page 82-83; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT; CHAPTER II: PHYSICAL AND POLITICAL RECONSTRUCTION; Article 13: Political Reconstruction

[...] In this context, the following programmes and measures shall be undertaken:

[...]

d. Initiation of tangible actions for the advancement of women;

Page 86; PROTOCOL V: GUARANTEES ON IMPLEMENTATION OF THE AGREEMENT; PREAMBLE

Concerned also about the negative impact of the conflict on Burundian women and children,

Recognizing the unique potential of women to contribute to the healing, reconstruction and development of Burundian society,

Page 87; PROTOCOL V: GUARANTEES ON IMPLEMENTATION OF THE AGREEMENT; Article 2: Transitional institutions

2. The men and women called upon to lead the transition must, at all times, show integrity, determination, patriotism and competence, and devote themselves to the interests of all Burundians without any discrimination. They must take a solemn oath before assuming their duties.

Page 19; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT, PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS; CHAPTER II: SOLUTIONS; Article 7: Principles and measures relating to exclusion:

1. Constitutional guarantees of the principle of the equality of rights and duties for all citizens, men and women, and all the ethnic, political, regional and social components of Burundian society.

Page 26; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-TRANSITION CONSTITUTION; Article 1: Fundamental values

4. The Government of Burundi shall be so structured as to ensure that all Burundians are represented in and by it; that there is equal opportunity to serve in it; that all citizens have access to government services; and that the decisions and actions of government enjoy the widest possible level of support.

Page 27-28; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-TRANSITION CONSTITUTION; Article 3: Charter of Fundamental Rights

2. All citizens shall have rights and obligations.

3. Human dignity shall be respected and protected.

5. No person shall be arbitrarily dealt with by the State or its organs.

6. All women and men shall have the right to life.

7. All women and men shall have the right to personal freedom, including to physical and mental integrity, and to freedom of movement. Torture and any other kind of cruel, inhuman, degrading treatment or punishment shall be prohibited. Everyone shall have the right to be free from violence from either public or private sources.

8. No one shall be held in slavery or servitude. Slavery and the slave trade shall be prohibited in all their forms.

9. The State shall to the extent possible ensure that all citizens have the means to lead an existence consistent with human dignity.

10. All women and men shall have the right to respect for their private and family life, residence and personal communications.

11. There shall be freedom of marriage, including the right to choose one's partner. Marriage shall be entered into only with the free and full consent of the intending spouses.

12. The family, as the fundamental unit of society, shall be entitled to protection by society and the State.

13. Freedom of expression and of the media shall be guaranteed. The State shall respect freedom of religion, belief, conscience and opinion.

14. Freedom of assembly and association shall be guaranteed, as shall freedom to form nonprofit-making associations or organizations in conformity with the law.

15. All Burundian citizens shall have the right to move and settle freely anywhere in the national territory, as well as to leave it and return to it.

16. No one shall be arbitrarily deprived of her/his nationality or denied the right to change it.

19. Property rights shall be guaranteed for all women and men. Compensation that is fair and equitable under the circumstances shall be payable in case of

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expropriation, which shall be allowed only in the public interest and in accordance with a law which shall also set forth the basis of compensation.

20. The right to form and join trade unions and to strike shall be recognized. The law may regulate the exercise of these rights and prohibit certain categories of persons from going on strike.

21. Everyone shall have the right, in judicial or administrative proceedings, for her/his case to be dealt with equitably and decided within a reasonable time limit. Everyone shall have the right to due process and a fair trial.

22. No one may be deprived of her/his liberty other than in conformity with the law.

24. Each individual shall have the duty to respect and show consideration for her/his fellow citizens without any discrimination.

25. All citizens shall be required to discharge their civic obligations, and to defend their homeland.

**Page 29; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-
TRANSITION CONSTITUTION; Article 4: Political parties**

4. Political parties must comply with democratic principles in their organization and functioning, be open to all Burundians and be national in character and leadership, and shall not promote ethnic, regional or religious violence and hatred.

**Page 29; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-
TRANSITION CONSTITUTION; Article 5: Elections**

1. The right to vote shall be guaranteed.

**Page 53-54; PROTOCOL III: PEACE AND SECURITY FOR ALL;
CHAPTER I: PEACE AND SECURITY FOR ALL; Article 1: Principles of
peace and security for all**

1. All Burundian citizens have the right to live in peace and security without any discrimination whatsoever.

3. The institutions have the primary duty to guarantee:

(a) The security of all citizens;

(b) The protection of the inalienable rights of the human person, starting with the right to life, and the rights embodied inter alia in the Universal Declaration of Human Rights and in the international conventions to which Burundi is a party;

5. All Burundian citizens shall be under an obligation to respect the right of their fellow citizens to peace and security, as well as to respect public order.

**Page 58; PROTOCOL III: PEACE AND SECURITY FOR ALL; CHAPTER I:
PEACE AND SECURITY FOR ALL; Article 8: Protection of the
inalienable rights of the human person**

It is the duty of the State:

(a) To protect the inalienable rights of the human person, starting with the right to life and including the rights to freedom, security, work, education and freedom of expression, and all other rights embodied inter alia in the Universal Declaration of Human Rights and in the international conventions to which Burundi is a party;

**Page 27-28; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-
TRANSITION CONSTITUTION; Article 3: Charter of Fundamental Rights**

10. All women and men shall have the right to respect for their private and family life, residence and personal communications.

17. No one may be denied access to basic education. The State shall organize public education, and shall develop and promote access to secondary and post-secondary education.

19. Property rights shall be guaranteed for all women and men. Compensation that is fair and equitable under the circumstances shall be payable in case of expropriation, which shall be allowed only in the public interest and in accordance with a law which shall also set forth the basis of compensation.

20. The right to form and join trade unions and to strike shall be recognized. The law may regulate the exercise of these rights and prohibit certain categories of persons from going on strike.

26. Every child shall have the right to special measures to protect or promote her/his care, welfare, health and physical security, and to be protected from maltreatment, abuse or exploitation.

**Page 58; PROTOCOL III: PEACE AND SECURITY FOR ALL; CHAPTER I:
PEACE AND SECURITY FOR ALL; Article 8: Protection of the
inalienable rights of the human person**

It is the duty of the State:

(a) To protect the inalienable rights of the human person, starting with the right to life and including the rights to freedom, security, work, education and freedom of expression, and all other rights embodied inter alia in the Universal Declaration of Human Rights and in the international conventions to which Burundi is a party;

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Economic, Social &
Cultural Rights

**Page 77; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER I: REHABILITATION AND RESETTLEMENT OF REFUGEES
AND SINISTRES; Article 2: Principles governing return, resettlement
and reintegration:**

2. It shall respect the following principles:

[...]

(e) Returnees must have their rights as citizens and their property restored to them in accordance with the laws and regulations in force in Burundi after the entry into force of the Agreement;

**Page 80; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER I: REHABILITATION AND RESETTLEMENT OF REFUGEES
AND SINISTRES; Article 8: Issues relating to land and other property**

To resolve all issues relating to land and other property, the following principles and mechanisms shall be applied:

(a) Property rights shall be guaranteed for all men, women and children. Compensation which is fair and equitable under the circumstances shall be payable in case of expropriation, which shall be allowed only in the public interest and in accordance with the law, which shall also set out the basis of compensation;

[...]

**Page 104; ANNEX IV: REPORT OF COMMITTEE IV; 1.3 Rehabilitation
and resettlement of sinistrés; 1.3.3. International and national
regulations**

There are no specific international or national laws that protect displaced persons. However, there are certain texts that govern their fundamental rights, namely:

[...]

(c) The International Covenant on Economic, Social and Cultural Rights;

Page 107; ANNEX IV: REPORT OF COMMITTEE IV; 1.4. Actions relating to refugees and to sinistrés; 1.4.3. Measures relating to the land issue

(a) Property rights shall be guaranteed for all men, women and children. Compensation, fair and equitable under the circumstances, shall be payable in case of expropriation, which shall be allowed only in the public interest and in accordance with the law which shall also set out the basis of compensation;

Page 18; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT, PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS; CHAPTER II: SOLUTIONS; Article 6: Principles and measures relating to genocide, war crimes and other crimes against humanity

Political principles and measures:

[...]

8. Institution of a national day of remembrance for victims of genocide, war crimes and other crimes against humanity, and taking of measures that would facilitate the identification of mass graves and ensure a dignified burial for the victims.

Page 22; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT, PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS; CHAPTER II: SOLUTIONS; Article 7: Principles and measures relating to exclusion

Principles and measures relating to social services

25. Pursuant to the relevant provisions of Protocol IV to the Agreement: [...]

(d) Return to the rightful successors of the victims of the various crises of property confiscated by certain bodies or by the State or stolen by third parties: movable and immovable property, bank and Savings Bank (CAGBU) assets, contributions to the Social Security Fund (INSS);

(e) Establishment of a National Commission for the Rehabilitation of Sinistrés to benefit the victims of the various crises;

Page 39; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 12: Objectives

2. The objectives of the transitional arrangements shall be:

[...]

(c) To ensure the repatriation, resettlement and reintegration of Burundians living outside the national territory and the rehabilitation of the sinistrés;

Page 47; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 18: Combating impunity during the transition

3. The transitional Government shall scrupulously fulfil the commitments contained in Protocol IV to the Agreement concerning the repatriation and resettlement of refugees and sinistrés as well as the restitution of property, including land, belonging to such persons.

Page 58; PROTOCOL III: PEACE AND SECURITY FOR ALL; CHAPTER I: PEACE AND SECURITY FOR ALL; Article 7: Victims of the insecurity and violence

The main victims of the insecurity and violence are:

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Victims &
Reparations

(a) The nation, some political officials, and individuals forced to flee from their original places of residence into exile, settlements and camps;

(b) Individuals, groups, and categories of the population, both Hutu and Tutsi, targeted on account of their beliefs or political affiliation and on the basis of their ethnic origin.

**Page 77; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER I: REHABILITATION AND RESETTLEMENT OF REFUGEES
AND SINISTRÉS; Article 2: Principles governing return, resettlement
and reintegration**

2. It shall respect the following principles:

[...]

(f) All sinistrés wishing to do so must be able to return to their homes;

(g) Specific conditions must be provided for sinistrés who believe that they can no longer return to their property, so as to enable them to return to normal socio-professional life;

**Page 78; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER I: REHABILITATION AND RESETTLEMENT OF REFUGEES
AND SINISTRÉS; Article 3: Preparatory activities**

The Government shall undertake the following preparatory activities:

(a) Establishing and constituting a National Commission for the Rehabilitation of Sinistrés (CNRS), which shall have the mandate of organizing and coordinating, together with international organizations and countries of asylum, the return of refugees and sinistrés, assisting in their resettlement and reintegration, and dealing with all the other issues listed in the report of Committee IV. To this end, it shall draw up a plan of priorities. The members of the CNRS shall be drawn inter alia from the participating parties and the Government of Burundi, and shall elect the Commission's chairperson;
[...]

**Page 78; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER I: REHABILITATION AND RESETTLEMENT OF REFUGEES
AND SINISTRÉS; Article 4: Guidelines governing resettlement and
integration**

The CNRS shall decide on the activities for the resettlement and integration of refugees and sinistrés in accordance with the priority plan taking into account the availability of resources, in order to achieve the following aims and objectives:

(a) To ensure the socio-economic and administrative reintegration of the sinistrés;

**Page 80; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER I: REHABILITATION AND RESETTLEMENT OF REFUGEES
AND SINISTRÉS; Article 8: Issues relating to land and other property**

To resolve all issues relating to land and other property, the following principles and mechanisms shall be applied:

[...]

(b) All refugees and/or sinistrés must be able to recover their property, especially their land;

(c) If recovery proves impossible, everyone with an entitlement must receive fair compensation and/or indemnification;

(e) The policy with respect to distribution of State-owned land shall be reviewed so that priority can be given to the resettlement of sinistrés;

**Page 81; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER I: REHABILITATION AND RESETTLEMENT OF REFUGEES
AND SINISTRÉS; Article 9: National Fund for Sinistrés**

A National Fund for Sinistrés shall be established, and shall derive its funding from the national budget and from grants by bilateral and multilateral aid agencies or assistance from non-governmental organizations.

**Page 87-88; PROTOCOL V: GUARANTEES ON IMPLEMENTATION OF
THE AGREEMENT; Article 3: Implementation Monitoring Committee**

1. Role of the Implementation Monitoring Committee

The functions of the Implementation Monitoring Committee shall be to:

[...]

(f) Give guidance to and coordinate the activities of all the commissions and subcommissions set up pursuant to each protocol for the purpose of implementing the Agreement. These commissions and subcommissions shall include the following:

[...]

- The National Commission for the Rehabilitation of Sinistrés;

**Page 92; PROTOCOL V: GUARANTEES ON IMPLEMENTATION OF THE
AGREEMENT; Article 5: Commissions**

9. National Commission for the Rehabilitation of Sinistrés

The organ provided for in article 3, paragraph (a) of Protocol IV to the Agreement, shall be constituted within 30 days after the signature of the Agreement. It shall begin its work upon the election of its chairperson and shall report to the Implementation Monitoring Committee. It shall be based in Bujumbura. It shall be in place until the end of the transition period.

**Page 19-22; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT,
PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS;
CHAPTER II: SOLUTIONS; Article 7: Principles and measures relating to
exclusion**

Principles and measures relating to public administration

[...]

10. Reinstatement of former refugees, taking into account experience gained before and during their exile.

[...]

Principles and measures relating to social services

25. Pursuant to the relevant provisions of Protocol IV to the Agreement:

[...]

(c) Definitive resolution of the issues relating to refugees, displaced persons, regrouped persons, dispersed persons and other sinistrés: rehabilitation, resettlement, reintegration and compensation for plundered property;

[...]

(f) Establishment by the State of mechanisms to facilitate the recovery and repatriation of refugees' assets abroad.

**Page 47; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 18: Combating
impunity during the transition**

3. The transitional Government shall scrupulously fulfil the commitments contained in Protocol IV to the Agreement concerning the repatriation and resettlement of refugees and sinistrés as well as the restitution of property, including land, belonging to such persons.

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Refugees &
Internally Displaced
Persons

**Page 50-51; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 22: Interim
period**

6. Between the date of signature of the Agreement and the installation of the transitional Government, the Government shall:

(a) Provide all necessary assistance and cooperation to international agencies, the political parties and the Implementation Monitoring Committee in regard to establishing structures and facilities and issuing the necessary documentation, including travel documents for all returning exiles, refugees and members of the armed groups as provided for in this and other protocols, as required by the international agencies or as directed by the Implementation Monitoring Committee;
[...]

10. No arrest of a returnee or refugee shall be permitted without notification and justification to the Implementation Monitoring Committee or a sub-committee or agency designated by it, and in any event no arrest or charging of a refugee or returnee or holder of political public office for a crime committed for a political purpose prior to the signature of the Agreement shall be permitted until the installation of the transitional Government.

**Page 57; PROTOCOL III: PEACE AND SECURITY FOR ALL; CHAPTER I:
PEACE AND SECURITY FOR ALL; Article 5: Manifestations of the
insecurity and violence**

The insecurity and violence are manifested in:
[...]

(b) Massive forcible displacements of individuals, families and groups who as a result leave their customary places of residence and become refugees outside the country or remain inside the country as displaced and regrouped persons in camps, tents, shacks and other makeshift arrangements;

**Page 58; PROTOCOL III: PEACE AND SECURITY FOR ALL; CHAPTER I:
PEACE AND SECURITY FOR ALL; Article 9: Security-related regional
and international issues**

The three most pertinent security-related regional and international issues are:
[...]

(b) The need to create conditions that encourage peaceful co-existence, foster a culture of peace and tolerance and cultivate a hospitable environment that encourages people to remain in their places of residence within their country rather than flee as refugees;

(c) The need to promote participation in and respect for the international conventions on refugees.

**Page 71; PROTOCOL III: THE DEFENCE AND SECURITY FORCES;
CHAPTER III: PERMANENT CEASEFIRE AND CESSATION OF
HOSTILITIES; Article 26: General principles**

1. The following principles are agreed upon:
[...]

(d) Humanitarian assistance shall be facilitated through humanitarian corridors in order to render assistance to displaced persons, refugees and other sinistrés;

**Page 74; PROTOCOL III: THE DEFENCE AND SECURITY FORCES;
CHAPTER III: PERMANENT CEASEFIRE AND CESSATION OF
HOSTILITIES; Article 27: Verification and supervision**

1. Ceasefire Commission:
[...]

3. Maintenance of peace and security
[...]

(c) All embassies of Burundi in neighbouring and other countries providing shelter for Burundian refugees and residents shall provide them with passports, identity papers and any other requisite documents to which all Burundian citizens are entitled;

**Page 76-77; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER I: REHABILITATION AND RESETTLEMENT OF REFUGEES
AND SINISTRES; Article 1: Definitions**

1. For the definition of the term “refugee”, reference is made to international conventions, including the 1951 Geneva Convention Relative to the Status of Refugees, the 1966 Protocol Relative to the Status of Refugees and the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa.

2. The term “sinistrés” designates all displaced, regrouped and dispersed persons and returnees.

**Page 77; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER I: REHABILITATION AND RESETTLEMENT OF REFUGEES
AND SINISTRES; Article 2: Principles governing return, resettlement
and reintegration**

1. The Government of Burundi shall encourage the return of refugees and sinistrés and resettle and reintegrate them. It shall seek the support of other countries and international and non-governmental organizations in carrying out this responsibility.

2. It shall respect the following principles:

(a) All Burundian refugees must be able to return to their country;

(b) Refugees no longer in their first country of asylum are entitled to the same treatment as other returning Burundian refugees;

(c) Return must be voluntary and must take place in dignity with guaranteed security, and taking into account the particular vulnerability of women and children;

(d) The reception mechanisms must be put in place in advance of the return;

(e) Returnees must have their rights as citizens and their property restored to them in accordance with the laws and regulations in force in Burundi after the entry into force of the Agreement;

(f) All sinistrés wishing to do so must be able to return to their homes;

(g) Specific conditions must be provided for sinistrés who believe that they can no longer return to their property, so as to enable them to return to normal socio-professional life;

(h) In the return of the refugees and the resettlement and reintegration of the returnees and displaced and regrouped persons, the principle of equity, including gender equity, must be strictly applied in order to avoid any measure or treatment that discriminates against or favours any one among these categories.

**Page 78; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER I: REHABILITATION AND RESETTLEMENT OF REFUGEES
AND SINISTRES; Article 3: Preparatory activities**

The Government shall undertake the following preparatory activities:

(a) Establishing and constituting a National Commission for the Rehabilitation of Sinistrés (CNRS), which shall have the mandate of organizing and coordinating, together with international organizations and countries of asylum, the return of refugees and sinistrés, assisting in their resettlement and reintegration, and dealing with all the other issues listed in the report of

Committee IV. To this end, it shall draw up a plan of priorities. The members of the CNRS shall be drawn inter alia from the participating parties and the Government of Burundi, and shall elect the Commission's chairperson;

(b) Establishing and constituting a Sub-Commission of the CNRS with the specific mandate of dealing with issues related to land as set out in article 8 (j) of the present Protocol;

(c) Convening, in collaboration with the countries of asylum and the Office of the United Nations High Commissioner for Refugees, the Tripartite Commissioner, involving in it representatives of the refugees and international observers;

(d) Requesting international organizations and the host countries concerned to conduct a gender and age disaggregated census of the refugees, including the old caseload refugees (1972);

(e) Conducting a multi-dimensional census of the sinistrés;

(f) Organizing information and awareness campaigns for refugees and sinistrés as well as visits to their places of origin;

(g) Undertaking information and awareness campaigns on the mechanisms for peaceful coexistence and return to collines of origin;

(h) Setting up reception committees where they do not yet exist. The role of these committees shall be to receive and provide support services for all the sinistrés returning to their homes, ensure their security and assist them in organizing their socio-economic reintegration.

**Page 78-79; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER I: REHABILITATION AND RESETTLEMENT OF REFUGEES
AND SINISTRÉS; Article 4: Guidelines governing resettlement and
integration**

The CNRS shall decide on the activities for the resettlement and integration of refugees and sinistrés in accordance with the priority plan taking into account the availability of resources, in order to achieve the following aims and objectives:

(a) To ensure the socio-economic and administrative reintegration of the sinistrés;

(b) To give all returning families, including female- and child-headed families, food aid, material support and assistance with health, education, agriculture and reconstruction until they become self-sufficient;

(c) To provide communes, villages and collines with assistance in the reconstruction of community infrastructures and with support for income-generating activities, paying special attention to women and enhancing their roles in building and sustaining families and communities;

(d) To settle all those who believe that they cannot yet return on sites close to home, in order to enable them to go and till their fields initially and return to their land later on;

(e) To encourage, to the extent possible, grouped housing in the reconstruction policy in order to free cultivable land;

(f) To ensure equity in the distribution of resources between the ethnic groups on the one hand and the provinces on the other, and to avoid overlap between the various parties involved;

(g) To promote the participation of the population in the resettlement activities;

(h) To help returnees to recover the property and bank accounts left in Burundi before their exile and whose existence has been duly proven;

(i) To offer intensive language courses for returnees to mitigate the language problems;

(j) To assist returnees in other areas such as medical services, psycho-social support, social security and retirement, education of children and the equivalency of diplomas awarded outside Burundi.

**Page 80-81; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER I: REHABILITATION AND RESETTLEMENT OF REFUGEES
AND SINISTRES; Article 8: Issues relating to land and other property**

To resolve all issues relating to land and other property, the following principles and mechanisms shall be applied:

(b) All refugees and/or sinistrés must be able to recover their property, especially their land;

(c) If recovery proves impossible, everyone with an entitlement must receive fair compensation and/or indemnification;

(d) Refugees who do not return may receive a just and equitable indemnification if their land had been expropriated without prior indemnification and in contravention of the principle set out in sub-paragraph (a) of the present article;

(e) The policy with respect to distribution of State-owned land shall be reviewed so that priority can be given to the resettlement of sinistrés;

(j) The Sub-Commission on Land established in accordance with article 3 (b) of the present Protocol shall have the specific mandate of:

(i) Examining all cases of land owned by old caseload refugees and state-owned land;

[...]

**Page 17; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
Article 3: Post-colonial period**

[...]

3. Nevertheless, without prejudice to the results and conclusions of the International Judicial Commission of Inquiry and National Truth and Reconciliation Commission to be established pursuant to Chapter II of the present Protocol in order to shed light on these phenomena, the Parties recognize that acts of genocide, war crimes and other crimes against humanity have been perpetrated since independence against Tutsi and Hutu ethnic communities in Burundi.

**Page 19; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT,
PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS;
CHAPTER II: SOLUTIONS; Article 6: Principles and measures relating to
genocide, war crimes and other crimes against humanity**

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Truth &
Reconciliation
Commission

Principles and measures in the area of justice

[...]

10. Request by the transitional Government for the establishment by the United Nations Security Council of an International Judicial Commission of Inquiry on genocide, war crimes and other crimes against humanity responsible for:

(a) Investigating and establishing the facts relating to the period from independence to the date of signature of the Agreement;

(b) Classifying them;

(c) Determining those responsible;

(d) Submitting its report to the United Nations Security Council;

(e) The Commission shall make use of all the reports that already exist on this subject, including the 1985 Whitaker report, the 1994 non-governmental organizations' report, the 1994-1994 report by ambassadors and the 1996 report of the United Nations International Commission of Inquiry.

11. Request by the Government of Burundi for the establishment by the United Nations Security Council of an international criminal tribunal to try and punish those responsible should the findings of the report point to the existence of acts of genocide, war crimes and other crimes against humanity.

Page 21; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT, PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS; CHAPTER II: SOLUTIONS; Article 7: Principles and measures relating to exclusion

Principles and measures relating to justice

18. Pursuant to the relevant provisions of Protocol II to the Agreement:

(a) Promotion of impartial and independent justice. In this respect, all petitions and appeals relating to assassinations and political trials shall be made through the National Truth and Reconciliation Commission established pursuant to the provisions of article 8 of the present Protocol;
[...]

Page 23-24; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT, PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS; CHAPTER II: SOLUTIONS; Article 8: Principles and measures relating to national reconciliation

1. A national commission known as the National Truth and Reconciliation Commission shall be established. This Commission shall have the following functions:

(a) Investigation

The Commission shall bring to light and establish the truth regarding the serious acts of violence committed during the cyclical conflicts which cast a tragic shadow over Burundi from independence (1 July 1962) to the date of signature of the Agreement, classify the crimes and establish the responsibilities, as well as the identity of the perpetrators and the victims. However, the Commission shall not be competent to classify acts of genocide, crimes against humanity and war crimes;

(b) Arbitration and reconciliation

The Burundian crisis is a profound one: the task of reconciliation will be long and exacting. There are still gaping wounds which will need to be healed.

To this end the Commission shall, upon completion of its investigations, propose to the competent institutions or adopt measures likely to promote reconciliation and forgiveness, order indemnification or restoration of disputed property, or propose any political, social or other measures it deems appropriate.

In this context, the transitional National Assembly may pass a law or laws providing a framework for granting an amnesty consistent with international law for such political crimes as it or the National Truth and Reconciliation Commission may find appropriate;

(c) Clarification of history

The Commission shall also be responsible for clarifying the entire history of Burundi, going as far back as possible in order to inform Burundians about their past. The purpose of this clarification exercise shall be to rewrite Burundi's history so that all Burundians can interpret it in the same way.

2. Membership of the commission

(a) Source

Candidates for membership of the Commission shall be put forward by civil society associations, political parties, religious denominations or women's organizations, or may stand as individual candidates.

(b) Appointing body

Members of the Commission shall be appointed by the transitional Government in consultation with the Bureau of the transitional National Assembly.

(c) Profile and selection of candidates

Members of the Commission must show probity, integrity and ability to rise above divisions of all kinds. In the selection of candidates, balance must be taken into account, and the following criteria shall apply:

i. Age of members: at least 35 years;

ii. Level of education: at least a full secondary education certificate or equivalent.

3. Functioning of the Commission

The Commission must have the leeway to work independently, *inter alia* through autonomy in managing the material and financial resources to be allocated to it.

The Commission shall, whenever necessary, propose additional reconciliation mechanisms, and shall be free to set up sub-commissions as appropriate.

The public authorities shall have the obligation to do their utmost to enable the Commission to accomplish its mission without hindrance, by providing it with sufficient material, technical and financial resources.

4. Duration

The Commission shall conduct its work over a two-year period. At the end of two years, the appropriate transitional institutions shall assess the work done, and may decide on an extension for one year.

**Page 46-47; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 18: Combating
impunity during the transition**

1. In accordance with Protocol I to the Agreement, the transitional Government shall request the establishment of an International Judicial Commission of Inquiry which will investigate acts of genocide, war crimes and other crimes against humanity and report thereon to the Security Council of the United Nations.

2. In accordance with Protocol I to the Agreement, a National Truth and Reconciliation Commission shall be established to investigate human rights abuses, promote 47 reconciliation and deal with claims arising out of past practices relating to the conflict in Burundi.

[...]

**Page 89-90; PROTOCOL V: GUARANTEES ON IMPLEMENTATION OF
THE AGREEMENT; Article 5: Commissions**

3. International Judicial Commission of Inquiry

(a) The transitional Government shall address the request referred to in article 6, paragraph 10, of Protocol I to the Agreement to the United Nations Security Council within 30 days from its installation.

(b) International criminal tribunal

The Government of Burundi shall address the request referred to in article 6, paragraph 11, of Protocol I to the Agreement to the United Nations Security Council within 15 days after publication of the report of the International Judicial Commission of Inquiry.

4. National Truth and Reconciliation Commission

The transitional Government, in consultation with the Bureau of transitional National Assembly, shall establish the National Truth and Reconciliation Commission pursuant to article 8 of Protocol I to the Agreement not later than six months after taking office. The Commission shall begin work within 15 days after its establishment.

Page 3; [Untitled Preamble]

Determined to put aside our differences in all their manifestations in order to promote the factors that are common to us and which unite us, and to work together for the realization of the higher interests of the people of Burundi,

Aware of the fact that peace, stability, justice, the rule of law, national reconciliation, unity and development are the major aspirations of the people of Burundi,

Page 6; Article 3

The Parties commit themselves to refrain from any act or behaviour contrary to the provisions of the Agreement, and to spare no effort to ensure that the said provisions are respected and implemented in their letter and spirit in order to ensure the attainment of genuine unity, reconciliation, lasting peace, security for all, solid democracy and on equitable sharing of resources in Burundi.

Page 15; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT, PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS; PREAMBLE

Motivated by the concern to work towards national reconciliation,
[...]

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Reconciliation

Page 18; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT, PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS; CHAPTER II: SOLUTIONS; Article 5: General political measures

4. Orientation of political parties' programmes towards the ideals of unity and national reconciliation and of socio-economic development rather than the protection of a specific component of the Burundian people.

Page 18; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT, PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS; CHAPTER II: SOLUTIONS; Article 6: Principles and measures relating to genocide, war crimes and other crimes against humanity

Political principles and measures:
[...]

3. Implementation of a vast awareness and educational programme for national peace, unity and reconciliation.

Page 19; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT, PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS; CHAPTER II: SOLUTIONS; Article 7: Principles and measures relating to exclusion

3. Banning of all political or other associations advocating ethnic, regional, religious or gender discrimination or ideas contrary to national unity.

Page 23-24; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT, PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS; CHAPTER II: SOLUTIONS; Article 8: Principles and measures relating to national reconciliation

1. A national commission known as the National Truth and Reconciliation Commission shall be established. This Commission shall have the following functions:

[...]

(b) Arbitration and reconciliation

The Burundian crisis is a profound one: the task of reconciliation will be long and exacting. There are still gaping wounds which will need to be healed.

To this end the Commission shall, upon completion of its investigations, propose to the competent institutions or adopt measures likely to promote reconciliation and forgiveness, order indemnification or restoration of disputed property, or propose any political, social or other measures it deems appropriate.

[...]

Page 39; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 12: Objectives

2. The objectives of the transitional arrangements shall be:

[...]

(b) To reconcile and unite Burundians and lay the foundations for a democratic and united Burundi, inter alia by promoting a broad programme of education in peace, democracy and ethnic tolerance;

Page 40; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 14: Political parties during the transition

5. In order to promote national renewal, reconciliation and unity, no party shall be registered if it is established on the basis of ethnic or regional exclusivity. This sub-clause shall take effect nine months after the commencement of the transition period, in order to enable parties whose names or constitution do not satisfy this requirement to duly amend them so as to comply.

[...]

Page 43; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 15: Transitional institutions

16. The transitional Executive shall take its decisions and otherwise function in accordance with the spirit embodied in the concept of a Government of national unity, and shall make or propose appointments to the public administration and to diplomatic positions in the same spirit. [...]

Page 46-47; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 18: Combating impunity during the transition

2. In accordance with Protocol I to the Agreement, a National Truth and Reconciliation Commission shall be established to investigate human rights abuses, promote reconciliation and deal with claims arising out of past practices relating to the conflict in Burundi.

Page 49-52; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 22: Interim period

3. The parties wishing to participate in the transitional arrangements (the "participating parties") agree to file with the Implementation Monitoring Committee the following:

(a) Within seven days of the signature of the Agreement, a pledge, which appears as Annex I to the Agreement, committing the participating party to observe its commitments to democracy, peace and reconciliation, to reject all forms of violence and to participate in a public programme on peace and reconciliation;
[...]

16. The participating Parties shall assist the Implementation Monitoring Committee and the Facilitator in an intensive public campaign to win support for the Agreement and to promote peace and reconciliation.

Page 66; PROTOCOL III: PEACE AND SECURITY FOR ALL; CHAPTER II: THE DEFENCE AND SECURITY FORCES; Article 16: Balances within the defence and security forces

2. Correction of the imbalances in the defence and security forces shall be approached progressively in the spirit of reconciliation and trust in order to reassure all Burundians.

Page 69; PROTOCOL III: PEACE AND SECURITY FOR ALL; CHAPTER II: THE DEFENCE AND SECURITY FORCES; Article 23: National, regional, and international environment

3. After the signature of the Agreement, the armed signatories to the Agreement, politicians and political leaders, religious organizations and civil society shall be called upon to address to the Burundian population signals and messages of peace, reconciliation and national unity.

Page 81; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT; CHAPTER I: REHABILITATION AND RESETTLEMENT OF REFUGEES AND SINISTRES; Article 8. Issues relating to land and other property.

To resolve all issues relating to land and other property, the following principles and mechanisms shall be applied:
[...]

(k) The Sub-Commission on Land must, in the performance of its functions, ensure the equity, transparency and good sense of all its decisions. It must always remain aware of the fact that the objective is not only restoration of their property to returnees, but also reconciliation between the groups as well as peace in the country.

Page 82-83; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT; CHAPTER II: PHYSICAL AND POLITICAL RECONSTRUCTION; Article 13: Political reconstruction

Physical reconstruction and political reconstruction must be mutually supportive. Political reconstruction is aimed at making national reconciliation and peaceful coexistence possible, and must be directed towards the establishment of the rule of law. In this context, the following programmes and measures shall be undertaken:

(a) Launching of a multi-faceted national reconciliation programme;

Page 95; ANNEX I: PLEDGE BY PARTICIPATING PARTIES

By the signature of its duly authorized representative affixed hereto, [party] hereby:
[...]

3. Commits itself to peace and national reconciliation, and to oppose any political ideology and any action that has as its purpose the promotion of violence, hatred or unlawful discrimination;

4. Undertakes to participate in a public programme on peace and reconciliation;

**Page 108; ANNEX IV: REPORT OF COMMITTEE IV; Chapter I
Rehabilitation and Resettlement of Refugees and Sinistrés; 1.4 Actions
relating to refugees and to sinistrés; 1.4.3 Measures relating to the land
issue; 1.4.3.3 Principles and actions**

To resolve this complex issue, the following principles and mechanisms have been decided upon:

[...]

(j) [...]

The Sub-Commission on Land must, in the performance of its functions, ensure the equity, transparency and good sense of all its decisions. It must always remain aware of the fact that the objective is not only restoration of their property to returnees, but also reconciliation between the groups as well as peace in the country.

**Page 109-14; ANNEX IV: REPORT OF COMMITTEE IV; Chapter II:
Reconstruction**

2.1.2 Basic principles of reconstruction

With respect to reconstruction, a number of basic principles can be cited:

[...]

Generally speaking, reconstruction measures are short-term measures, but they need to be taken or decided upon with a view to preparing for reconciliation among the various categories of the population and for medium- and long-term development. [...]

2.1.3 The different aspects of reconstruction

The most important aspects relate to physical reconstruction and political reconstruction:

[...]

(b) Moral and political reconstruction means all measures designed to promote national reconciliation.

2.5 Political reconstruction

Physical reconstruction and political reconstruction must go hand in hand. Political reconstruction is aimed at making national reconciliation and peaceful coexistence possible. Many things must be done for national reconciliation to be successful. All the measures to be taken, however, should be directed towards the establishment of the rule of law, which will foster national reconciliation.

[...]

2.5.1 National reconciliation

2.5.1.1 Reasons for reconciliation

Burundi is going through a politico-ethnic conflict which has lasted for over 30 years. Throughout this entire period, Burundians have experienced deep-seated divisions that have prevented them from prospering, thus making their future and that of their children uncertain. Today, all Burundians must regret this situation. They seek to rebuild a country which offers more opportunities for a better life for their children. It is to this end that measures should be taken to eliminate tensions, improve the political climate and create a political and legal environment which provides a new basis for understanding among the various groups in the population.

2.5.1.2 A national reconciliation programme

In the context of the peace agreement, all the parties to the conflict undertake to launch a multi- faceted programme of national reconciliation.

The programme will consist of the following actions:

- (a) The Government will issue a declaration of national reconciliation which places emphasis on human rights and freedoms and on measures to combat impunity;
- (b) The Government will undertake to ensure the moral rehabilitation of all conflict victims. Accordingly, it will erect a national monument commemorating all victims of genocide, war crimes and crimes against humanity which will bear the words "Never Again";
- (c) Mutual self-help and teamwork will be promoted under the housing reconstruction programme and other economic and social development activities;
- (d) A historical study that will lead to a common interpretation of Burundi's history will be undertaken. The researchers will have access to both the written and the audio-visual materials in the national archives;
- (e) A centre for conflict observation, prevention and resolution will be established at the national and regional levels;
- (f) The creation of political and ethnic ghettos is to be avoided. Accordingly, meetings must be organized among the various groups of the population so that they may learn to live together again;
- (g) Examples of people who have contributed significantly to reconciliation activities will be disseminated;
- (h) Special programmes will be set up for the psychological care of children, especially orphans, to help them overcome the trauma caused by the conflict;
- (i) Peace and reconciliation committees will be established.

Page 17; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT, PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS, CHAPTER II: SOLUTIONS; Article 5: General political measures

[...]

2. A reorganization of the State institutions to make them capable of integrating and reassuring all the ethnic components of Burundian society.

Page 18; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT, PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS; CHAPTER II: SOLUTIONS; Article 6: Principles and measures relating to genocide, war crimes and other crimes against humanity

Political principles and Measures:

[...]

6. Promotion of a national inter-ethnic resistance front to combat genocide, war crimes and other crimes against humanity, as well as generalization and collective attribution of guilt.

Page 19-20; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT, PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS; CHAPTER II: SOLUTIONS; Article 7: Principles and measures relating to exclusion

1. Constitutional guarantees of the principle of the equality of rights and duties for all citizens, men and women, and all the ethnic, political, regional and social components of Burundian society.

[...]

3. Banning of all political or other associations advocating ethnic, regional, religious or gender discrimination or ideas contrary to national unity.

4. Deliberate promotion of disadvantaged groups, particularly the Batwa, to correct the existing imbalances in all sectors. This exercise shall be conducted, while maintaining professionalism and avoiding the quota system, in accordance with a timetable starting at the same time as the transition period.

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Protection
Measures

Principles and measures relating to education

[...]

14. Restoration of the rights of girls and boys whose education has been interrupted as a result of the Burundi conflict or of exclusion, by effectively reintegrating them into the school system and later into working life.

Principles and measures relating to the defence and security forces

[...]

17. Relevant reforms to correct the ethnic, gender and regional imbalances within these forces pursuant to the relevant provisions of Protocol III to the Agreement.

**Page 25; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-
TRANSITION CONSTITUTION; Article 1: Fundamental values**

1. All Burundians are equal in value and dignity. All citizens are entitled to equal rights and to equal protection of the law. No Burundian shall be excluded from the social, economic or political life of the nation on account of her/his race, language, religion, gender, or ethnic origin.

**Page 26; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-
TRANSITION CONSTITUTION; Article 2: General Principles**

1. Burundi shall be a sovereign independent nation, united but respecting its ethnic and religious diversity and recognizing the Bahutu, the Batutsi and the Batwa, who make up the one nation of Burundi.

**Page 27-28; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-
TRANSITION CONSTITUTION; Article 3: Charter of Fundamental Rights**

1. The rights and duties proclaimed and guaranteed inter alia by the Universal Declaration of Human Rights, the International Covenants on Human Rights, the African Charter on Human and Peoples' Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child shall form an integral part of the Constitution of the Republic of Burundi. These fundamental rights shall not be limited or derogated from, except in justifiable circumstances acceptable in international law and set forth in the Constitution.

[...]

4. All women and men shall be equal. No one may be discriminated against, inter alia, on grounds of origin, race, ethnicity, gender, colour, language, social situation, or religious, philosophical or political convictions, or by reason of a physical or mental handicap. All citizens shall enjoy equal protection of the law, as well as equal treatment under the law.

[...]

12. The family, as the fundamental unit of society, shall be entitled to protection by society and the State.

[...]

26. Every child shall have the right to special measures to protect or promote her/his care, welfare, health and physical security, and to be protected from maltreatment, abuse or exploitation.

27. No child shall be used directly in armed conflict, and children shall be protected in times of armed conflict.

28. No child shall be detained except as a measure of last resort, in which case the child may be detained only for the shortest appropriate period of time and shall have the right to be kept separately from detained persons over the age of 16 years and to be treated in a manner, and kept in conditions, that take account of her/his age.

**Page 53-54; PROTOCOL III: PEACE AND SECURITY FOR ALL;
CHAPTER I: PEACE AND SECURITY FOR ALL; Article 1: Principles of
peace and security for all**

3. The institutions have the primary duty to guarantee:

[...]

(c) The protection of all the ethnic communities of the population through specific mechanisms for the prevention of coups d'état, segregation and genocide;

[...]

10. Political organizations shall promote inclusion; exclusion on ethnic, sexual, regional and religious grounds shall be prohibited.

**Page 57; PROTOCOL III: PEACE AND SECURITY FOR ALL; CHAPTER I:
PEACE AND SECURITY FOR ALL**

Article 5: Manifestations of the insecurity and violence

The insecurity and violence are manifested in:

[...]

(b) Massive forcible displacements of individuals, families and groups who as a result leave their customary places of residence and become refugees outside the country or remain inside the country as displaced and regrouped persons in camps, tents, shacks and other makeshift arrangements;

Article 6: Consequences of the insecurity and violence

The most serious consequences of the insecurity and violence are:

(a) Increase in crime, in the number of disabled persons, orphans, widows and widowers, impoverishment of the people, and all kinds of social deviation;

**Page 58; PROTOCOL III: PEACE AND SECURITY FOR ALL; CHAPTER I:
PEACE AND SECURITY FOR ALL; Article 7: Victims of the insecurity
and violence**

The main victims of the insecurity and violence are:

[...]

(b) Individuals, groups, and categories of the population, both Hutu and Tutsi, targeted on account of their beliefs or political affiliation and on the basis of their ethnic origin.

**Page 68; PROTOCOL III: PEACE AND SECURITY FOR ALL; CHAPTER
II: THE DEFENCE AND SECURITY FORCES; Article 21: Demobilization**

7. The categories of people to be demobilized shall be:

[...]

(b) Those members who are handicapped or disabled;

**Page 69-70; PROTOCOL III: THE DEFENCE AND SECURITY FORCES;
CHAPTER III: PERMANENT CEASEFIRE AND CESSATION OF
HOSTILITIES; Article 25: Definitions**

1. Ceasefire means the cessation of:

[...]

(c) All acts of violence against the civilian population – summary executions, torture, harassment, detention and persecution of civilians on the basis of ethnic origin, religious, beliefs and political affiliations, incitement of ethnic hatred, arming of civilians, use of child soldiers, sexual violence, training of terrorists, genocide and bombing of the civilian population;

**Page 77; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER I: REHABILITATION AND RESETTLEMENT OF REFUGEES
AND SINISTRES; Article 2: Principles governing return, resettlement
and reintegration**

2. It shall respect the following principles:

[...]

(c) Return must be voluntary and must take place in dignity with guaranteed security, and taking into account the particular vulnerability of women and children;

**Page 78-79; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER I: REHABILITATION AND RESETTLEMENT OF REFUGEES
AND SINISTRES; Article 4: Guidelines governing resettlement and
integration**

The CNRS shall decide on the activities for the resettlement and integration of refugees and sinistrés in accordance with the priority plan taking into account the availability of resources, in order to achieve the following aims and objectives:

[...]

(b) To give all returning families, including female- and child-headed families, food aid, material support and assistance with health, education, agriculture and reconstruction until they become self-sufficient;

(c) To provide communes, villages and collines with assistance in the reconstruction of community infrastructures and with support for income-generating activities, paying special attention to women and enhancing their roles in building and sustaining families and communities;

[...]

(j) To assist returnees in other areas such as medical services, psycho-social support, social security and retirement, education of children and the equivalency of diplomas awarded outside Burundi.

**Page 81; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER I: REHABILITATION AND RESETTLEMENT OF REFUGEES
AND SINISTRES; Article 10: Vulnerable groups**

The Government shall ensure, through special assistance, the protection, rehabilitation and advancement of vulnerable groups, namely child heads of families, orphans, street children, unaccompanied minors, traumatized children, widows, women heads of families, juvenile delinquents, the physically and mentally disabled, etc.

**Page 84; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER III: ECONOMIC AND SOCIAL DEVELOPMENT**

Article 15: Principal objectives

The Government shall endeavour to correct the imbalances in distribution of the country's limited resources and to embark on the path of sustainable growth with equity. It shall set itself the following principal objectives:

[...]

(b) Providing all children with primary and secondary education at least to the age of 16;

(c) Reducing the infant mortality rate by at least half;

Article 16: Guidelines governing development

In pursuit of these objectives, the Government shall follow the guidelines set out hereunder on the basis of the measures specified in the report of Committee IV (see Annex IV):

[...]

(i) Promotion of the role of women and youth in development, with the aid of specific measures to benefit them;

**Page 104-09; ANNEX IV: REPORT OF COMMITTEE IV; Chapter I:
Rehabilitation and Resettlement of Refugees and Sinistrés**

1.4 Actions relating to refugees and to sinistrés

1.4.2 Actions for the resettlement and reintegration of refugees and sinistrés

The following actions to resettle and reintegrate refugees and sinistrés shall be taken. These actions will be decided upon by the National Commission for the Rehabilitation of Sinistrés, taking into account a framework of priorities and the availability of resources.

[...]

Material and infrastructure support:

(j) Give all returning families, including female- and child-headed families, food assistance, material support and support for health, education, agriculture and reconstruction until they become self-sufficient (Responsibility of the Government, UNHCR and other international organizations);

(k) Provide communes, villages and collines with assistance in the reconstruction of community infrastructures (schools, health centres, water supply networks or developed springs, etc) and income-generating activities (Action: National Commission for the Rehabilitation of Sinistrés), paying special attention to women and enhancing their roles in building and sustaining families and communities;

1.4.5 Other measures: protection, rehabilitation and advancement of vulnerable groups

The groups in question include among others children heads of family, orphans, street children, widows, women heads of family, unaccompanied minors, juvenile delinquents, the physically and mentally disabled as well as traumatized children.

The competent ministry needs to conduct a census of these groups and draw up special assistance programmes.

Page 113-15; ANNEX IV: REPORT OF COMMITTEE IV; Chapter II: Reconstruction

2.5 Political reconstruction

2.5.1 National reconciliation

2.5.1.2 A national reconciliation programme

In the context of the peace agreement, all the parties to the conflict undertake to launch a multi- faceted programme of national reconciliation.

The programme will consist of the following actions:

[...]

(h) Special programmes will be set up for the psychological care of children, especially orphans, to help them overcome the trauma caused by the conflict;

2.5.2 The role of women in reconstruction

2.5.2.2 Tangible actions for the advancement of women

In order to support and promote the advancement of women, taking into consideration the difficulties they have been through and continue to experience, the following actions are necessary:

[...]

(d) Women and children who find themselves in the special position of heads of household must be taken into account. The entitlements of those widowed and orphaned by Burundi's various crises must be restored;

Page 126-29; ANNEX IV: REPORT OF COMMITTEE IV; Chapter III: Economic And Social Development

3.5 Measures to be taken

3.5.4 A sectoral perspective

3.5.4.3 The social sector

3.5.4.3.2 Health

The crisis has also lowered the population's standard of health. Immunization coverage, prenatal consultations and childbirth attended by qualified medical personnel have all declined. Acute malnutrition is on the rise, particularly among vulnerable groups such as children and pregnant and nursing women. The country must return to pre-crisis conditions and even improve on them in all areas.

The incidence of AIDS has increased in both rural and urban areas. The number of AIDS orphans has also increased. A programme to combat AIDS and provide assistance to orphans is needed.

3.5.4.3.4 The economic and social aspects of demobilization

The following principles must be observed when implementing economic measures and carrying out demobilization:

[...]

(g) Special attention to such target groups as child soldiers, women soldiers and the disabled;

3.7 The role of youth

In a country like Burundi where youth under the age of 15 make up nearly half the population, no sustainable development is possible if the needs and aspirations of youth are not taken into account.

[...]

The following concrete measures should be taken on behalf of youth:

(a) Greater attention should be paid to youth and to the education of young people;

(b) Illiteracy should be eradicated among youth by the year 2005 through compulsory education;

(c) Young people not attending school should receive vocational and technical training that will allow them to carry out projects that will contribute to their personal development and to the economic and social development of Burundi;

(d) Income-generating activities should be organized for youth through the establishment of model agricultural and livestock farms;

(e) Young people should be employed in public service projects;

(f) Young people should be made aware of the problems they face - AIDS, vagrancy and delinquency - and educated through sports and cultural activities;

(g) A genuine cultural policy for youth that promotes development should be formulated;

(h) A policy to provide social assistance and supervision for youth in difficult circumstances (orphans, street children, abandoned children, etc.) should be formulated;

(i) Programmes to mobilize and sensitize youth to a culture of peace, democratic values and non-violence should be developed;

(j) Young people should be provided with forum in which they can express their views on questions of national interest.

All these programmes for youth must be integrated into overall development planning and should be contemplated from a long-term perspective. They must be prepared not only for youth but, more important, with and by youth.

Page 17-19; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT, PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS; CHAPTER II: SOLUTIONS

Article 5: General political measures

1. Institution of a new political, economic, social and judicial order in Burundi, in the context of a new constitution inspired by Burundian realities and founded on the values of justice, the rule of law, democracy, good governance, pluralism, respect for the fundamental rights and freedoms of the individual, unity, solidarity, equality between women and men, mutual understanding and tolerance among the various political and ethnic components of the Burundian people.

5. Adoption of constitutional provisions embodying the principle of separation of powers (executive, legislative and judicial), pursuant to the provisions of Protocol II to the Agreement.

Article 7: Principles and measures relating to exclusion

1. Constitutional guarantees of the principle of the equality of rights and duties for all citizens, men and women, and all the ethnic, political, regional and social components of Burundian society.

Page 25; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-TRANSITION CONSTITUTION; Preamble

Have agreed:

1. To ensure that a constitutional text for the people of Burundi is drafted during the transition period that is in conformity with the principles set forth in Chapter I of the present Protocol, and to ensure that such a text is adopted and brought into force in accordance with the time-frames and procedures herein, in conformity with a vision of democracy and good governance and the principles listed hereunder.

tr_con

Constitutional
Reform

Page 25-38; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-TRANSITION CONSTITUTION

Article 1: Fundamental values

[...]

Article 2 General principles

[...]

Article 3: Charter of Fundamental Rights

[...]

30. Fundamental rights must be respected throughout the legal, administrative and institutional order. The Constitution shall be the supreme law and must be upheld by the Legislature, the Executive and the Judiciary. Any law that is not in conformity with the Constitution shall be invalid.

Article 4: Political parties

[...]

Article 5: Elections

[...]

Article 6 The Legislature

[...]

5. The Constitution may not be amended except with the support of a four-fifths majority in the National Assembly and a two-thirds majority in the Senate.

Article 7: The Executive

[...]

Article 8: Local government

[...]

Article 9: The Judiciary

[...]

Article 10: The administration

[...]

Article 11: Defence and security forces

1. The post-transition Constitution shall contain in full the principles relating to the defence and security forces and principles of organization of those forces set forth respectively in articles 10 and 11 of Protocol III to the Agreement.

[...]

Page 39; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 12: Objectives

2. The objectives of the transitional arrangements shall be:

(a) To ensure the adoption of a post-transition Constitution that is in conformity with the constitutional principles;

Page 41-44; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER II: TRANSITIONAL ARRANGEMENTS

Article 15: Transitional institutions

[...]

Page 59-60; PROTOCOL III: PEACE AND SECURITY FOR ALL; CHAPTER II: THE DEFENCE AND SECURITY FORCES; Article 11: Principles of organization of the defence and security forces

1. The defence and security forces shall consist of a national defence force, a national police and an intelligence service, all established in conformity with the Constitution.

2. The defence and security forces shall be subordinate to civilian authority in respect for the Constitution, the law and the regulations.

6. Within the limits determined by the Constitution and the laws, only the President may authorize the use of armed military force:

(a) In defence of the State;

(b) In the restoration of order and public safety;

(c) In the discharge of international obligations and commitments.

Page 116; ANNEX IV: REPORT OF COMMITTEE IV; CHAPTER II: RECONSTRUCTION; 2.5 Political reconstruction; 2.5.4 Democratization; 2.5.4.2 Measures in support of democratization

To ensure that Burundians understand what democracy is, the following steps shall be taken:

[...]

(c) A constitution and a social plan that ensure respect for democratic principles shall be drafted;

tr_leg

Legislative Branch
Reform

Page 30-33; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-TRANSITION CONSTITUTION; Article 6: The Legislature

1. Legislative power shall be exercised by the National Assembly and, where specified herein, by the National Assembly and the Senate. A law adopted by a legislative body or bodies may only be amended by the same body or bodies.

2. The number of members of the National Assembly shall be specified in the Constitution, and in the first instance shall be 100. The Constitution may allow for the number of members to be determined in accordance with a designated ratio per number of inhabitants or by setting an absolute number.

3. The National Assembly shall pass legislation, oversee the actions of the Government and exercise all other functions assigned to it by the Constitution. The National Assembly shall be responsible for approving the national budget. This provision shall not preclude the submission of matters for popular approval by way of referendum.

4. A Court of Audit responsible for examining and certifying the accounts of all public services shall be established and organized by law. Its composition shall be specified in the post-transition Constitution. It shall be given the resources required for the performance of its duties. Administrative departments shall not withhold their co-operation from the Court of Audit. The Court of Audit shall submit to the National Assembly a report on the regularity of the general account of the State, and shall also ascertain whether public funds have been spent in accordance with the proper procedures and in accordance with the budget approved by the National Assembly.

5. The Constitution may not be amended except with the support of a four-fifths majority in the National Assembly and a two-thirds majority in the Senate.

6. Organic laws may not be amended except by a three-fifths majority in the National Assembly and with the approval of the Senate.

7. Members of the National Assembly and the Senate may not be prosecuted, made the subject of a warrant, arrested, detained or subjected to a penalty for acts performed as a member of the National Assembly or of the Senate.

8. Any criminal case involving a person holding political office shall be referred to a Chamber of the Supreme Court, and in the event of conviction, any appeal shall be receivable by the Chambers of the Supreme Court sitting together.

9. During sessions, a member of the National Assembly or the Senate may be prosecuted in respect of acts other than those referred to in paragraph 7 above only with the authorization of the National Assembly or the Senate, as the case may be.

10. The mechanisms for replacing members of the National Assembly or the Senate in the event of the vacancy of a seat shall be determined by law.

11. The National Assembly and the Senate shall adopt the rules of procedure governing their respective organization and functioning and the election of their bureaux. The posttransition Constitution must specify the duties of the bureaux, when the National Assembly shall convene for the first time and who shall preside at the initial meeting. The National Assembly's Bureau shall have a multiparty character, while the Senate's Bureau shall be of a multi-ethnic character.

12. The compensation and benefits regime, as well as the incompatibility regime, for members of the National Assembly and of the Senate shall be established by law.

13. The opposition parties within the National Assembly shall participate by right in parliamentary commissions, whether sectoral or of inquiry.

14. There shall be a Senate having the functions set forth herein, and such other functions as are allocated to it in the Constitution or in any law. The Senate shall comprise two delegates from each province. They shall be elected by an Electoral College comprising members of the commune councils in the province in question, shall be from different ethnic communities and shall be elected in separate ballots.

15. A former president shall be entitled to sit in the Senate. The Senate may co-opt up to three members of the Batwa group so as to ensure representation of this community.

16. The Senate shall have the following functions:

(a) To approve constitutional amendments and organic laws, including laws governing the electoral process;

(b) To receive the report of the Ombudsperson on any aspect of the public administration;

(c) To conduct inquiries into the public administration and where necessary recommend action, to ensure that no region or group is excluded from the delivery of public services;

(d) To monitor compliance with those precepts of the Constitution requiring representativeness or balance in the composition of any part of the public service, including the defence and security forces;

(e) To advise the President and the National Assembly on any matter, including legislation;

(f) To monitor compliance with the present Protocol;

(g) To comment on or suggest amendments to legislation adopted by the National Assembly, as well as to initiate and introduce bills for consideration by the National Assembly;

(h) To approve laws dealing with the boundaries, functions and powers of provinces, communes and collines.

17. The Senate shall approve solely the following appointments:

(a) The heads of the defence forces, the police and the intelligence service;

(b) The provincial governors appointed by the President of the Republic;

(c) The Ombudsperson;

(d) The members of the Judicial Service Commission;

(e) The members of the Supreme Court;

(f) The members of the Constitutional Court;

(g) The Principal State Prosecutor and members of the National Department of Public Prosecutions;

(h) The presidents of the Court of Appeal and the Administrative Court;

(i) The principal State Prosecutor in the Court of Appeal;

(j) The presidents of the Court of First Instance, the Commercial Court and the Labour Court;

(k) The State Prosecutors.

18. The Senate shall ensure that commune councils in general reflect the ethnic diversity of their constituencies; if the composition of any Commune Council does not do so, it may order the co-optation of persons by the Commune Council from an underrepresented ethnic group to that Council, provided that no more than one-fifth of the Council may consist of such co-opted persons. The persons to be co-opted shall be identified by the Senate from a list of names supplied to it by the Commune Council or by any colline chief within the commune.

19. Where the Senate proposes amendments to laws other than those in respect of which its consent is necessary, the National Assembly must consider those proposed amendments, and may if it so chooses give effect to them, before referring the bill to the President for his formal assent.

20. Members of the National Assembly and of the Senate shall have the right to debate the Government's actions and policies.

21. The Constitution shall grant the Senate the powers and resources necessary to perform its functions.

**Page 33-34; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-
TRANSITION CONSTITUTION; Article 7: The Executive**

1.(a) The Constitution shall provide that, save for the very first election of a President, the President of the Republic shall be elected by direct universal suffrage in which each elector may vote for only one candidate. The President of the Republic shall be elected by an absolute majority of the votes cast. If this majority is not obtained in the first round, a second round shall follow within 15 days.

(b) Only the two candidates who have received the greatest number of votes during the first round may stand in the second round. The candidate who receives the majority of votes cast in the second round shall be declared the President of the Republic.

(c) For the first election, to be held during the transition period, the President shall be indirectly elected as specified in article 20, paragraph 10 below.

2. The President of the Republic shall exercise regulatory power and shall ensure the proper enforcement and administration of legislation. She/he shall exercise her/his powers by decrees, countersigned, where required, by a Vice-President or a minister concerned.

3. She/he shall be elected for a term of five years, renewable only once. No one may serve more than two presidential terms.

4. In the exercise of her/his functions, the President of the Republic shall be assisted by two Vice-Presidents. They shall be appointed by the President of the Republic, who shall previously have submitted their candidacy for approval by the National Assembly and the Senate, voting separately, by a majority of their members. The President of the Republic may dismiss the Vice-Presidents. They shall belong to different ethnic groups and political parties.

5. The President of the Republic, after consultation with the two Vice-Presidents, shall appoint the members of the Government and terminate their appointments.

6. Parties or coalitions thereof shall be invited, but not obliged, to submit to the President a list of persons to serve as ministers if such parties or coalitions have received more than one-twentieth of the vote. They shall be entitled to at least the same proportion, rounded off downwards, of the total number of ministers as their proportion of members in the National Assembly. If the President dismisses a minister, she/he must choose a replacement from a list submitted by the party or coalition of the minister in question.

7. The President of the Republic shall be the Head of State and Commander-in-Chief of the defence and security forces. She/he shall declare war and sign armistices following consultation with the Government and the bureaux of the National Assembly and of the Senate.

8. The President of the Republic may be impeached for serious misconduct, impropriety or corruption by resolution of two-thirds of the members of the National Assembly and the Senate sitting together.

9. The President of the Republic may be charged only with the crime of high treason. The case shall be heard by the Supreme Court and the Constitutional Court sitting together and presided over by the President of the Supreme Court.

10. The Supreme Court shall receive a written statement of the assets and property of the President, the Vice-Presidents and members of the Government when they assume and relinquish office.

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Executive Branch
Reform

Page 21; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT, PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS; CHAPTER II: SOLUTIONS; Article 7: Principles and measures relating to exclusion; Principles and measures relating to justice

18. Pursuant to the relevant provisions of Protocol II to the Agreement:

(a) Promotion of impartial and independent justice. In this respect, all petitions and appeals relating to assassinations and political trials shall be made through the National Truth and Reconciliation Commission established pursuant to the provisions of article 8 of the present Protocol;

(b) Reform of the judicial machinery at all levels, inter alia with a view to correcting ethnic and gender imbalances where they exist;

(c) Amendment of laws where necessary (Criminal Code, Code of Criminal Procedure, Civil Code, Nationality Act, etc.);

(d) Reform of the Judicial Service Commission so as to ensure its independence and that of the judicial system;

(e) Organization of a judicial training programme, inter alia through the establishment of a National School for the Magistracy;

(f) Provision of adequate human and material resources for the courts;

(g) Establishment of the post of Ombudsperson.

tr_jud

Judiciary Reform

Page 30-32; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-TRANSITION CONSTITUTION; Article 6: The Legislature

4. A Court of Audit responsible for examining and certifying the accounts of all public services shall be established and organized by law. Its composition shall be specified in the post-transition Constitution. It shall be given the resources required for the performance of its duties. Administrative departments shall not withhold their co-operation from the Court of Audit. The Court of Audit shall submit to the National Assembly a report on the regularity of the general account of the State, and shall also ascertain whether public funds have been spent in accordance with the proper procedures and in accordance with the budget approved by the National Assembly.

[...]

8. Any criminal case involving a person holding political office shall be referred to a Chamber of the Supreme Court, and in the event of conviction, any appeal shall be receivable by the Chambers of the Supreme Court sitting together.

17. The Senate shall approve solely the following appointments:

[...]

d) The members of the Judicial Service Commission;

(e) The members of the Supreme Court;

(f) The members of the Constitutional Court;

(g) The Principal State Prosecutor and members of the National Department of Public Prosecutions;

(h) The presidents of the Court of Appeal and the Administrative Court;

(i) The principal State Prosecutor in the Court of Appeal;

(j) The presidents of the Court of First Instance, the Commercial Court and the Labour Court;

(k) The State Prosecutors.

**Page 34; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-
TRANSITION CONSTITUTION; Article 7: The Executive**

9. The President of the Republic may be charged only with the crime of high treason. The case shall be heard by the Supreme Court and the Constitutional Court sitting together and presided over by the President of the Supreme Court.

10. The Supreme Court shall receive a written statement of the assets and property of the President, the Vice-Presidents and members of the Government when they assume and relinquish office.

**Page 34-36; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-
TRANSITION CONSTITUTION; Article 9: The Judiciary**

1. The judicial authority of the Republic of Burundi shall be vested in the courts.

2. The Judiciary shall be impartial and independent and shall be governed solely by the Constitution and the law. No person may interfere with the Judiciary in the performance of its judicial functions.

3. The Judiciary shall be so structured as to promote the ideal that its composition should reflect that of the population as a whole.

4. The courts and tribunals shall operate in Kirundi and the other official languages. Laws shall be enacted and published in Kirundi and the other official languages.

5. The Constitution shall provide for a Supreme Court of Burundi. Its Rules of Procedure, composition and chambers, and the organization of its chambers, shall be determined by an organic law.

6. The judges of the Supreme Court shall be appointed by the President from a list of candidates nominated by the Judicial Service Commission and approved by the National Assembly and the Senate.

7. There shall be a National Department of Public Prosecutions attached to the Supreme Court; its members shall be appointed in the same manner as the judges of the Supreme Court.

8. The other courts and tribunals recognized in the Republic of Burundi shall be the Court of Appeal, the High Courts, the Resident Magistrates' Courts and such other courts and tribunals as are provided for by law. The Ubushingantahe Council shall sit at the level of the colline. It shall administer justice in a conciliatory spirit.

9. The President of the Court of Appeal, the presidents of the High Courts, the public prosecutors and the state counsels shall be appointed by the President of the Republic following nomination by the Judicial Service Commission and confirmation by the Senate.

10. The Government, within the limits of its resources, shall ensure that magistrates possess the desired qualifications and necessary training for the performance of their duties, and that the resources needed by the Judiciary are made available to it.

11. No one shall be denied a post in the magistracy on grounds of ethnic origin or gender.

12. A Judicial Service Commission with an ethnically balanced composition shall be established. It shall be made up of five members nominated by the Executive, three judges of the Supreme Court, two magistrates from the National Department of Public Prosecutions, two judges from the resident magistrates' courts and three members of the legal profession in private practice. The judges, magistrates and members of the legal profession shall be chosen by their peers. All members of the Commission shall be approved by the Senate.

13. The Commission shall have a secretariat. It shall be chaired by the President of the Republic, assisted by the Minister of Justice. It shall meet on an ad hoc basis. Its members who are not members of the Judiciary shall not be construed as members of the Judiciary solely because they are members of this oversight commission.

14. The Judicial Service Commission shall be the highest disciplinary body of the magistracy. It shall hear complaints by individuals, or by the Ombudsperson, against the professional conduct of magistrates, as well as appeals against disciplinary measures and grievances concerning the career of magistrates. No magistrate may be dismissed other than for professional misconduct or incompetence, and solely on the basis of a finding by the Judicial Service Commission.

15. Trials shall be public except where the interests of justice or a compelling public interest require otherwise. Judgements shall be reasoned and shall be handed down in public.

16. Magistrates shall be appointed by decree of the President on the proposal of the Judicial Service Commission. The presidents of resident magistrates' courts shall be appointed in the same manner except that the nominees shall be proposed to the President after obtaining the approval of the Senate.

17. The Constitutional Court shall be the highest court for constitutional matters. Its jurisdictions shall be those set forth in the 1992 Constitution. The organization of the Court shall be laid down in an organic law. Reference is made for this purpose to the elements contained in Chapter II of the present Protocol.

18. The members of the Constitutional Court, seven in number, shall be appointed by the President of the Republic and confirmed by the Senate by a two-thirds majority. They shall have a term of office of six years non-renewable. The first Constitutional Court shall be that established under Chapter II of the present Protocol for the transition period. The members shall have the qualifications set forth in Chapter II of the present Protocol.

19. Matters shall be referred to the Constitutional Court by the President of the Republic, the President of the National Assembly or the President of the Senate, by petition by one quarter of the Members of the National Assembly or one quarter of the Members of the Senate, or by the Ombudsperson. In addition, every natural person with a direct interest in the matter, as well as the Public Prosecutor, may request the Constitutional Court to rule on the constitutionality of laws, either directly by means of an action or by an exceptional procedure for claiming unconstitutionality raised in a matter which concerns that person before an authority.

20. The Constitutional Court may sit validly only if at least five of its members are present.

21. Decisions of the Constitutional Court shall be taken by an absolute majority of its members, except that the President of the Court shall have a casting vote if the Court is evenly split on any matter.

22. The Constitutional Court shall be competent to:

(a) Rule on the constitutionality of adopted laws and regulatory acts;

(b) Rule on the constitutionality of executive action;

(c) Interpret the Constitution and rule on vacancies in the posts of President of the Republic and President of the National Assembly if a dispute arises in regard thereto;

(d) Rule on the regularity of presidential and legislative elections;

(e) Administer the oath to the President of the Republic before she/he assumes office;

(f) Verify the constitutionality of organic laws before their promulgation, and of the Rules of Procedure of the National Assembly before their application;

(g) Rule on any other matters expressly provided for in the Constitution.

**Page 39; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER II TRANSITIONAL ARRANGEMENTS; Article 12: Objectives**

2. The objectives of the transitional arrangements shall be:

[...]

(f) To implement the measures and carry out the reforms relating to the Judiciary, the administration and the defence and security forces in accordance with the Agreement;

**Page 41-44; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 15: Transitional institutions**

[...]

**Page 45-46; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 17: Judicial and administrative reforms**

1. Within 30 days of the commencement of the transition period, a commission of the transitional National Assembly in which all the parties are represented shall be established to monitor the reforms of the public administration and of the administration of justice and to submit recommendations thereon to the transitional National Assembly and the transitional Executive.

2. The transitional National Assembly may for purposes of reforming the judicial sector amend by two-thirds majority any existing law, including the provisions of the 1992 Constitution, dealing with the structure and functioning of the Supreme Court.

3. For purposes of improving the judicial services in Burundi, the transitional Government shall implement the following reforms:

(a) The promotion of gender and ethnic balances in the Burundian judicial sector shall be undertaken, inter alia through recruitment and appointment;

(b) So as to correct the ethnic and gender imbalances in the Burundian judicial sector during and after the transition period, training colleges for employees of the judicial system shall be created, accelerated training shall be promoted, and the status and the internal promotion of magistrates shall be improved;

(c) Existing legislation relating to the organization of the Judiciary, the codes of criminal and civil procedure and the map of judicial jurisdiction shall be reviewed;

(d) All legislation shall be made available in Kirundi;

(e) Respect for the law shall be promoted;

(f) Steps shall be taken to discourage corruption, to denounce officials guilty of corruption, to enforce all legislation related to corruption, to establish effective oversight bodies, to improve working conditions in the judicial sector and to take necessary measures to require civil servants to report instances of corruption;

(g) The necessary measures shall be taken, including those specified in Protocol I to the Agreement, to deal with the problem of impunity and take any other steps required to ensure that any travesties of justice are dealt with or re-opened;

(h) The judicial sector shall be given the necessary resources so as to discharge its responsibilities impartially and independently.

4. Any appointment to the Judiciary required by Chapter I of the present Protocol to be made by the President shall, during the transition, be made by the transitional President and Vice-President in consultation with the Minister of Justice.

5. Any appointment to the Judiciary required by Chapter I of the present Protocol to be submitted for approval or confirmation to the National Assembly or the Senate shall, during the transition period, be required to be approved or confirmed by the transitional National Assembly by two-thirds majority.

6. There shall be a Constitutional Court possessing the jurisdiction and functions set forth in the 1992 Constitution of the Republic of Burundi.

7. The Constitutional Court shall be made up of seven members, two of whom shall be permanent (the President and Vice-President). They shall be appointed by the President of the Republic, subject to confirmation by the transitional National Assembly by a majority of two-thirds. Three of these judges shall be appointed for a period of three years only, and shall be replaced in the manner provided for in the post-transition Constitution. The remaining four shall be appointed for six years beginning at the commencement of the transition. The appointments shall be made within one month of the commencement of the transition. Judges of the Constitutional Court shall be persons of moral integrity and shall have legal training or experience. A member of a standing court must be amongst the nominees.

8. The Constitutional Court may sit validly only if at least five of its members, including its President or Vice-President, are present.

9. Decisions of the Constitutional Court shall be taken by an absolute majority of its members, except that the President of the Court shall have a casting vote if the Court is evenly split on any matter.

10. International co-operation and legal assistance will be required by the transitional Government to assist it in improving and reforming the legal system. Foreign jurists, including former Burundian nationals living outside the country, shall be requested to assist in the reform of the judicial system. The transitional Government may appoint any such persons to judicial positions so as to promote confidence in the Judiciary.

[...]

Page 115; ANNEX IV: REPORT OF COMMITTEE IV; CHAPTER II: RECONSTRUCTION; 2.5. Political reconstruction; 2.5.3. The justice system

To make the Burundian justice system sufficiently operational and equitable, the following measures should be taken:

- (a) Voluntary correction of ethnic imbalances existing among justice system personnel;
- (b) System-wide institutional capacity-building;
- (c) Training, on and off the job, for justice system employees;
- (d) Measures to combat corruption;
- (e) Improvement of the working conditions of magistrates and better logistical support (vehicles and equipment for courts and tribunals);
- (f) Translation and dissemination of legislative texts in Kirundi so as to make them accessible and comprehensible to the entire population;
- (g) Technical assistance for lawyers.

Page 139; APPENDIX I; I. SUMMARY OF CONSTITUTIONAL AND TRANSITIONAL PROPOSALS FOR BURUNDI; B. SUMMARY OF PROPOSALS; 11. Strong Constitutional Court

In addition, against the opposition of the G-7 group of parties the Constitutional Court has been given full judicial power to enforce the Constitution and to act as its guardian even against the Executive and the Legislature. The ethnically-balanced Senate is to confirm appointments to this and other important courts.

Page 145; APPENDIX I; II. COMMENTS ON INDIVIDUAL POINTS IN THE PROPOSALS; Article 9

The reforms of the Judiciary have been extensively discussed within the working group of Committee II on the subject. The Bureau has tried within this article to reflect the very different decisions that were taken or discussed. Many of the proposals made during the debates on the Judiciary were subject to general agreement. With reference to paragraph 6, the term "Supreme Council of the Magistracy" has been replaced, here and elsewhere, by "Judicial Service Commission", which is the translation of "Conseil Supérieur de la Magistrature" recognized by the Council of Europe. This is therefore not a substantive change.

Page 19-20; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT, PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS; CHAPTER II: SOLUTIONS; Article 7: Principles and measures relating to exclusion

Principles and measures relating to public administration

5. A qualified, efficient and responsible administration that shall work in the general interest and promote balance, including gender balance.

6. A transparent administration committed to the sound management of public affairs.

7. Training, in such a way as to include all the components of Burundian society, of civil servants, particularly for regional and local government, by establishing a national school of administration.

8. Equal opportunities of access to this sector for all men and women through strict respect for, or the introduction of, laws and regulations governing the recruitment of State personnel and the staff of public and parastatal enterprises, as well as through transparency of competitive entrance examinations.

9. Depoliticization of the public administration to ensure its stability; in this respect, there is a need for legislation that will distinguish between political and technical functions; staff in the first category may change with the Government, whereas the technical staff must be guaranteed continuity.

10. Reinstatement of former refugees, taking into account experience gained before and during their exile.

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Public
Administration
Reform

Page 31-32; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-TRANSITION CONSTITUTION; Article 6: The Legislature

16. The Senate shall have the following functions:

[...]

(b) To receive the report of the Ombudsperson on any aspect of the public administration;

(c) To conduct inquiries into the public administration and where necessary recommend action, to ensure that no region or group is excluded from the delivery of public services;

17. The Senate shall approve solely the following appointments:

[...]

(c) The Ombudsperson;

Page 34; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-TRANSITION CONSTITUTION; Article 8: Local government

3. The law shall make provision for the circumstances under which a commune administrator may be dismissed or suspended, by the central authorities or by

the Commune Council, for good cause including incompetence, corruption, gross misconduct or embezzlement.

**Page 37; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-
TRANSITION CONSTITUTION; Article 10: The administration**

1. The administration shall function in accordance with the democratic values and principles enshrined in the Constitution, and with the law.

2. The administration shall be so structured, and all civil servants shall so perform their duties, as to serve all users of public services with efficiency, courtesy, impartiality and equity. Embezzlement, corruption, extortion and misappropriation of all kinds shall be punishable in accordance with the law. Any state employee convicted of corruption shall be dismissed from the public administration following a disciplinary inquiry.

3. The administration shall be organized in ministries, and every minister in charge of a ministry shall report to the President of the Republic and to the National Assembly on the manner in which the ministry performs its functions and utilizes the funds allocated to it.

4. The administration shall be broadly representative and reflect the diversity of the components of the Burundian nation. The practices with respect to employment shall be based on objective and equitable criteria of aptitude and on the need to correct the imbalances and achieve broad representation.

5. A law shall specify the distinction between posts that are career or technical posts and those that are political posts.

6. No civil servant or member of the Judiciary may be accorded favourable or unfavourable treatment solely on grounds of her/his gender, ethnicity or political affiliation.

7. An independent Ombudsperson shall be created by the Constitution. The organization and functioning of her/his service shall be determined by law.

8. The Ombudsperson shall hear complaints and conduct inquiries relating to mismanagement and infringements of citizens' rights committed by members of the public administration and the judiciary, and shall make recommendations thereon to the appropriate authorities. She/he shall also mediate between the administration and citizens and between administrative departments, and shall act as an observer of the functioning of the public administration.

9. The Ombudsperson shall possess the powers and resources required to perform her/his duty. She/he shall report annually to the National Assembly and the Senate. Her/his report shall be published in the Official Gazette of Burundi.

10. The Ombudsperson shall be appointed by the National Assembly by a three-quarters majority. The appointment shall be subject to confirmation by the Senate.

**Page 39; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 12: Objectives**

2. The objectives of the transitional arrangements shall be:

[...]

(f) To implement the measures and carry out the reforms relating to the Judiciary, the administration and the defence and security forces in accordance with the Agreement;

[...]

(h) To adopt laws on political parties, local administration, the press and other matters as required by the present Protocol and by the needs of the transitional institutions;

**Page 43-44; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 15: Transitional
institutions**

16. The transitional Executive shall take its decisions and otherwise function in accordance with the spirit embodied in the concept of a Government of national unity, and shall make or propose appointments to the public administration and to diplomatic positions in the same spirit. It shall strive to take its decisions by consensus. It shall also take into account the need to reflect ethnic, religious, political, and gender balance in its decisions and appointments.

[...]

19. The transitional President, after consultation with the transitional Executive, shall within 30 days prepare for submission to the transitional Senate in accordance with the present Protocol a list of appointments for a period or periods specified by her/him to the offices listed below:

(a) Provincial governors;

[...]

(c) Commune administrators.

**Page 45-46; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 17: Judicial and
administrative reforms**

1. Within 30 days of the commencement of the transition period, a commission of the transitional National Assembly in which all the parties are represented shall be established to monitor the reforms of the public administration and of the administration of justice and to submit recommendations thereon to the transitional National Assembly and the transitional Executive.

3. For purposes of improving the judicial services in Burundi, the transitional Government shall implement the following reforms:

[...]

(f) Steps shall be taken to discourage corruption, to denounce officials guilty of corruption, to enforce all legislation related to corruption, to establish effective oversight bodies, to improve working conditions in the judicial sector and to take necessary measures to require civil servants to report instances of corruption;

11. Members of the public administration, including local government and the diplomatic corps, shall be so appointed by the transitional Executive as to ensure that imbalances observed in these sectors are corrected. The Government may appoint a commission with expert participation to assist it in making appointments.

12. Provincial governors and commune administrators shall be appointed by the President, subject to confirmation by the transitional National Assembly. They shall be natives of the territorial entity placed under their authority. They shall be civilians.

**Page 48-49; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 20: Elections**

13.

(a) The collines shall be administered by colline councils of five members elected by direct universal suffrage. The councillor with the greatest number of votes shall become the chief of the colline. Elections for the colline chiefs shall, for the first elections, not be based on party political lists and all candidates shall stand as independents.

(b) The communes shall be administered by commune councils, which shall be elected by direct universal suffrage.

(c) For purposes of the first election, each Commune Council shall appoint a Commune Administrator and may dismiss her/him for good cause, including incompetence, corruption, misconduct or embezzlement. For subsequent elections, the National Assembly and the Senate may, after evaluation, legislate for the administrators to be elected by direct universal suffrage.

(d) At the national level, not more than 67% of commune administrators shall be from either of the two main ethnic components. The Senate shall ensure respect for this principle.

Page 50; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 22: Interim period

7. The Minister and the chief career public servant in each ministry shall be jointly liable in law for any damage or destruction of any government property, including any record, file or any other document, held by it, for any misrepresentation in the asset inventory filed with the Implementation Monitoring Committee, or for any wasteful use of the ministry's financial resources.

8. The Government shall be responsible for the day-to-day government of Burundi during the interim period. If during that period the Government should, without the approval of the Implementation Monitoring Committee, take any of the actions indicated in subparagraphs (a) – (d) below, such action may subsequently be reviewed by the transitional Government and, if found not to have been in the interests of good governance, summarily cancelled or reversed:

- (a) Alter the conditions of service or levels of remuneration of public servants;
- (b) Make any appointment to or promotion within the public administration;
- (c) Sell State-owned immovable property;

Page 58; PROTOCOL III: PEACE AND SECURITY FOR ALL; CHAPTER I: PEACE AND SECURITY FOR ALL; Article 8: Protection of the inalienable rights of the human person

It is the duty of the State:

[...]

(c) To institute a proactive policy aimed at promoting human rights through education and training of the population, including all political and technical officials.

Page 127; Annex IV: Report of Committee IV; Chapter III: Economic And Social Development; 3.5: Measures to be taken; 3.5.5: Political and institutional framework; 3.5.5.1: Good governance

An effective civil service is an essential component of good governance. The basic criteria for recruitment, retention and promotion in an effective civil service are merit and competence. To the extent possible, civil servants should be well paid, honest and immune to requests from politicians.

Page 20; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT, PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS; CHAPTER II: SOLUTIONS; Article 7: Principles and measures relating to exclusion

Principles and measures relating to the defence and security forces

15. Clear definition of the roles of the defence and security forces.

16. Organization of the defence and security forces as a voluntary and professional entity, and their modernization.

17. Relevant reforms to correct the ethnic, gender and regional imbalances within these forces pursuant to the relevant provisions of Protocol III to the Agreement.

Page 37-38; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-TRANSITION CONSTITUTION; Article 11: Defence and security forces

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Military Reform

1. The post-transition Constitution shall contain in full the principles relating to the defence and security forces and principles of organization of those forces set forth respectively in articles 10 and 11 of Protocol III to the Agreement.

2. An organic law shall determine the organization and functioning of the defence and security forces.

3. The military head of the defence force shall be appointed by the President, subject to confirmation by the Senate.

4.

(a) The defence and security forces shall be subordinate to the civil authority of the State, and shall uphold the Constitution and the law.

(b) The defence and security forces shall be professional and non-partisan, and shall not promote or disadvantage any political party or ethnic group.

(c) The defence and security forces shall be trained at all levels to respect international humanitarian law and the supremacy of the Constitution.

(d) For a period to be determined by the Senate, not more than 50% of the national defence force shall be drawn from any one ethnic group, in view of the need to achieve ethnic balance and to prevent acts of genocide and coups d'état.

(e) No civilian shall be subject to a military code of justice or tried by a military court.

5. Only the President may authorize the employment of the defence and security forces:

(a) In defence of the State;

(b) In the restoration of order and public safety;

(c) In the discharge of international obligations and commitments.

If the defence and security forces are employed in any of the capacities set forth above, the President shall promptly inform the National Assembly and the Senate of the nature, extent and reasons for this employment. If the National Assembly is not in session it shall be convened within seven days for the consideration of such matter, as specified in Protocol III to the Agreement.

**Page 39; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 12: Objectives**

2. The objectives of the transitional arrangements shall be:

[...]

(d) To apply the measures and arrangements relating to the restoration of peace, the cessation of hostilities and the building of a professional army loyal to Burundi;

[...]

(f) To implement the measures and carry out the reforms relating to the Judiciary, the administration and the defence and security forces in accordance with the Agreement;

**Page 47; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 19: Defence
and security forces**

1. Associations having the character of militias shall be prohibited.

2. The transitional arrangements regarding the defence and security forces, including the constitutional and legal framework governing such forces, shall be those set forth in Protocol III to the Agreement. Where that Protocol is silent, the provisions of the 1992 Constitution of the Republic of Burundi shall apply.

**Page 54; PROTOCOL III: PEACE AND SECURITY FOR ALL; CHAPTER I:
PEACE AND SECURITY FOR ALL; Article 1: Principles of peace and
security for all**

6. The prerequisites for the establishment and maintenance of peace and security are:

(a) Unity within the defence and security forces;

(b) Political neutrality of the defence and security forces;

(c) The professional, civic and moral qualities of the defence and security forces;

[...]

(e) Control of illegal possession and use of weapons.

8. The defence and security forces belong to all the people of Burundi. They shall be an instrument for the protection of all the people, and all the people must identify with them.

9. The establishment of militias and terrorist and genocidal organizations, the practice of terrorism and genocide and incitement to those practices shall be prohibited.

**Page 59-67; PROTOCOL III: PEACE AND SECURITY FOR ALL;
CHAPTER II: THE DEFENCE AND SECURITY FORCES**

Article 11: Principles of organization of the defence and security forces

1. The defence and security forces shall consist of a national defence force, a national police and an intelligence service, all established in conformity with the Constitution.

2. The defence and security forces shall be subordinate to civilian authority in respect for the Constitution, the law and the regulations.

3. The defence and security forces shall be open to all Burundian citizens without discrimination.

4. The defence and security forces shall promote within their services a non-discriminatory, non-ethnicist and non-sexist culture.

5. Organic laws shall determine the creation, organization, training, conditions of service and functioning of the defence and security forces.

6. Within the limits determined by the Constitution and the laws, only the President may authorize the use of armed military force:

(a) In defence of the State;

(b) In the restoration of order and public safety;

(c) In the discharge of international obligations and commitments.

7. When the national defence force is utilized in one of the cases referred to in paragraph 6 above, the President shall officially consult the authorized competent bodies and shall promptly inform the Legislature, in detail, of:

(a) The reason or reasons for the use of the national defence force;

(b) Any location where that force is deployed;

(c) The period for which that force is deployed.

8. If the Legislature is not in session, the President shall convene it in special session within seven days from the use of the national defence force.

9. The defence and security forces shall respect the rights and dignity of their members in the context of the normal constraints of discipline and training.

10. The members of the defence and security forces shall have the right to be informed of the socio-political life of the country and to receive civic education.

Article 12: Missions of the defence and security forces

1. Missions of the national defence force

The missions of the national defence force shall be:

(a) To ensure the integrity of the national territory and the sovereignty of the country;

- (b) To combat any armed aggression against the institutions of the Republic;
- (c) To intervene exceptionally in the maintenance of public order at the formal request of the authorized civilian authority;
- (d) To participate in assistance activities in case of natural disasters;
- (e) To contribute to the development of the country through major works, production and training;
- (f) To defend the vital points.

Article 13: Structure of the defence and security forces

1. Structure of the national defence force

The transitional Government shall be responsible for deciding upon the structure of the national defence force.

Article 14: Composition of the defence and security forces

1. Composition of the national defence force

(a) There shall be a single defence force composed of all components of the Burundian nation irrespective of ethnic, regional, gender and/or social status.

(b) The national defence force shall include members of the Burundian armed forces and combatants of the political parties and movements in existence at the time of restructuring of the army, as well as other citizens who wish to enlist.

(c) After the signature of the Agreement, the combatants of the political parties and movements, as well as the existing national defence force, shall be placed under the authority of the transitional Government.

(d) A technical committee consisting of representatives of the Burundian armed forces and combatants of the political parties and movements, as well as of an external military advisory and training group, shall be established by decision of the transitional Government to implement the procedures for the establishment of the national defence force.

(e) Members of the Burundian armed forces found guilty of acts of genocide, coups d'etat, violation of the Constitution and human rights and war crimes shall be excluded from the national defence force. Combatants of the political parties and movements found guilty of the same offences shall also not be accepted into the national defence force.

(f) Recruitment into the national defence force shall be conducted in a transparent manner, individually, voluntarily and on the basis of personal merit, physical fitness, moral and professional qualifications and potential.

(g) For a period to be determined by the Senate, not more than 50% of the national defence force shall be drawn from any one ethnic group, in view of the need to achieve ethnic balance and to prevent acts of genocide and coups d'etat.

Article 15: Size of the defence and security forces

1. Size of the national defence force

(a) The following criteria shall be used to determine the strength of the national defence force:

- i. Potential internal and external threats;
- ii. The economic and financial resources of the country;
- iii. The budget allocated to the defence and security forces;
- iv. The defence policy of the country.

(b) The transitional Government, in consultation with the technical committee, shall determine the size of the national defence force.

Article 16: Balances within the defence and security forces

1. The following criteria shall be used to determine the imbalances in the defence and security forces:

- (a) Political;
- (b) Ethnic;
- (c) Regional;
- (d) Gender.

2. Correction of the imbalances in the defence and security forces shall be approached progressively in the spirit of reconciliation and trust in order to reassure all Burundians.

3. Correction of the imbalances shall be achieved during the transition period through the integration into the current defence and security forces of the combatants of the political parties and movements and through the recruitment of other Burundian citizens.

4. For purposes of rapid reduction of the command-level imbalances, accelerated training of commissioned and non-commissioned officers from among the combatants of the political parties and movements shall be conducted in Burundi and abroad as soon as the transition period commences.

Article 17: Recruitment

1. Recruitment shall be conducted in accordance with the following criteria:

- (a) Transparency;
- (b) Voluntary service;
- (c) Age;
- (d) Personal record and level of training;
- (e) Medical tests of physical and intellectual aptitude.

2. Recruitment criteria based on educational level shall be determined by the transitional Government.

3. A national commission shall be assigned responsibility for selecting candidates for all levels of the national defence force and national police, taking care to ensure the necessary ethnic balance.

Article 18: Training

1. The defence and security forces shall have technical, moral and civic training. This training shall include the culture of peace, aspects of conduct relating to the democratic multi-party political system, human rights and humanitarian law.

2. Decentralization of the centres for training police constables, rank and file troops and noncommissioned officers shall be undertaken.

Article 19: Organic laws, regulatory texts and disciplinary system

For the defence and security forces, organic laws, regulatory texts and disciplinary rules in conformity with the relevant provisions of the Agreement shall be adopted

Article 20: Names of the defence and security forces

1. The name of the defence force shall be decided upon by the transitional Government.

Page 90; PROTOCOL V: GUARANTEES ON IMPLEMENTATION OF THE AGREEMENT; Article 5: Commissions

5. Technical Committee to implement the procedures for the establishment of a national defence force

(a) The establishment of the national defence force, its name, its strength, its training, its conditions of service and its functioning shall be as defined in the relevant provisions of Chapter II of Protocol III to the Agreement and in organic

laws, regulatory texts and disciplinary rules adopted pursuant to article 11, paragraph 5, and article 19 of that Protocol.

(b) The organic laws, regulatory texts and disciplinary rules referred to above shall be adopted by the appropriate transitional institutions within 30 days from the adoption of the Constitution.

(c) The Technical Committee to implement the procedures for the establishment of a national defence force referred to in article 14, paragraph 1 (d) of Protocol III to the Agreement shall be constituted within 15 to 30 days after the adoption of the texts referred to in paragraph (b) above. Its work shall begin within seven days after its constitution, and shall be concluded before the start of the electoral process.

Page 59; PROTOCOL III: PEACE AND SECURITY FOR ALL; CHAPTER II: THE DEFENCE AND SECURITY FORCES; Article 11: Principles of organization of the defence and security forces

1. The defence and security forces shall consist of a national defence force, a national police and an intelligence service, all established in conformity with the Constitution.

Page 61-67; PROTOCOL III: PEACE AND SECURITY FOR ALL; CHAPTER II: THE DEFENCE AND SECURITY FORCES

Article 12: Missions of the defence and security forces

2. Missions of the national police

The missions of the national police shall be:

- (a) To maintain and restore public order;
- (b) To prevent offences provided for by law, investigate and prosecute their perpetrators and make arrests in accordance with the law;
- (c) To ensure respect for the laws and other regulations for whose enforcement they are directly responsible;
- (d) To ensure the physical protection of persons and their property;
- (e) To ensure the protection of infrastructures and public property;
- (f) To relieve and assist persons in danger or in distress;
- (g) To intervene in case of catastrophe or disaster;
- (h) To develop various civil defence scenarios;
- (i) To ensure road safety throughout the national territory;
- (j) To ensure protection of public gatherings at the request of those involved, on orders from the administrative authorities, or on their own initiative;
- (k) To ensure the missions of the judicial and administrative police;
- (l) To ensure protection of the courts and tribunals;
- (m) To deal with criminal cases of major importance, such as economic crimes and cases attributable to roving delinquents or groups organized at the national or international level;
- (n) To produce and make use of crime statistics;
- (o) To deal with the policing of immigration and emigration and the status of aliens;
- (p) To monitor the movements of aliens throughout the national territory;
- (q) To keep watch on the land, lake and air borders;
- (r) To issue travel documents and residence permits;
- (s) To ensure protection of the institutions.

Article 13: Structure of the defence and security forces

2. Structure of the national Police

a. The national police shall be coordinated within one Ministry, i.e., the one responsible for public security.

b. Its structure shall be:

(i) First level: Since the Ministry is responsible for public security, the head shall be a member of the Government;

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Police Reform

(ii) Second level: A national police headquarters responsible for coordinating all the police forces. It shall be headed by a director-general with administrative skills and knowledge of police techniques;

(iii) Third level: Departments: each department shall represent a specialized area of police work.

This structure is illustrated in Annex II to the Agreement.

Article 14: Composition of the defence and security forces

2. Composition of the national police

(a) There shall be a single national police composed of all citizens of the Burundian nation wishing to form part of it, irrespective of ethnic, regional, gender and social status.

(b) The national police shall include members of the current national police, combatants of the political parties and movements and other citizens who meet the requirements.

(c) A technical committee comprising representatives of the existing police force and the political parties and movements and of external advisors and instructors on police issues shall be established by decision of the transitional Government to implement the procedures for the establishment of the national police.

(d) All persons, including current members of the police force and combatants of the political parties and movements, found guilty of genocide, the coup d'etat of 21 October 1993, human rights violations or war crimes shall be excluded from the national police.

(e) Not more than 50% of the members of the national police shall be drawn from any one particular ethnic group, with a view to achieving the necessary balances and preventing acts of genocide or of coup d'etat.

Article 15: Size of the defence and security forces

2. Size of the national police

(a) The following criteria shall be used to determine the strength of the national police:

- i. Surface area of the country;
- ii. Population;
- iii. Population density;
- iv. Urbanization level;
- v. Economic resources;
- vi. Crime level;
- vii. Budgetary allocation.

(b) The transitional Government, in consultation with the technical committee, shall determine the size of the national police.

Article 18: Training

2. Decentralization of the centres for training police constables, rank and file troops and non-commissioned officers shall be undertaken.

Article 20: Names of the defence and security forces

2. The name of the police shall be «National Police of Burundi».

Page 87-88; PROTOCOL V: GUARANTEES ON IMPLEMENTATION OF THE AGREEMENT; Article 3: Implementation Monitoring Committee

1. Role of the Implementation Monitoring Committee

The functions of the Implementation Monitoring Committee shall be to:

[...]

(f) Give guidance to and coordinate the activities of all the commissions and subcommissions set up pursuant to each protocol for the purpose of implementing the Agreement. These commissions and subcommissions shall include the following:

[...]

- The Technical Committee to implement the procedures for the establishment of the national police;

Page 90; PROTOCOL V: GUARANTEES ON IMPLEMENTATION OF THE AGREEMENT; Article 5: Commissions

6. Technical Committee to implement the procedures for the establishment of the national police

(a) The creation, name, missions, composition, strength, training, conditions of service and functioning of the national police shall be as defined in the relevant provisions of article 14, paragraph 2, article 15, article 17, paragraph 3, and article 20 of Protocol III to the Agreement.

(b) The Technical Committee to implement the procedures for the establishment of the national police set up pursuant to the provisions of article 14, paragraph 2 (c) of that Protocol shall be constituted within 15 to 30 days from the date when the transitional Government takes office. Its work shall begin within seven days after its constitution, and shall be concluded before the start of the electoral process.

Page 95; ANNEX II: STRUCTURE OF THE NATIONAL POLICE OF BURUNDI

[...]

Page 20-22; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT, PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS; CHAPTER II: SOLUTIONS; Article 7: Principles and measures relating to exclusion

Principles and measures relating to education

11. Equitable regional distribution of school buildings, equipment and textbooks throughout the national territory, in such a way as to benefit girls and boys equally.

12. Deliberate promotion of compulsory primary education that ensures gender parity through joint financial support from the State and the communes.

13. Transparency and fairness in non-competitive and competitive examinations.

14. Restoration of the rights of girls and boys whose education has been interrupted as a result of the Burundi conflict or of exclusion, by effectively reintegrating them into the school system and later into working life.

Principles and measures relating to social services

25. Pursuant to the relevant provisions of Protocol IV to the Agreement:

(a) Equitable distribution of and access to social infrastructures, particularly schools and hospitals;

[...]

Page 28; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-TRANSITION CONSTITUTION; Article 3: Charter of Fundamental Rights

17. No one may be denied access to basic education. The State shall organize public education, and shall develop and promote access to secondary and post-secondary education.

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Education Reform

**Page 80; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER I: REHABILITATION AND RESETTLEMENT OF REFUGEES
AND SINISTRES; Article 5. Actions with regard to returnees in their
country of asylum.**

The Government shall undertake the following actions with regard to returnees in their country of asylum:

[...]

(d) Assisting pupils and students in their two final years of study in primary, secondary and higher education wishing to complete their studies in the country of asylum.

**Page 82-84; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER II: PHYSICAL AND POLITICAL RECONSTRUCTION**

Article 13: Political reconstruction

Physical reconstruction and political reconstruction must be mutually supportive. Political reconstruction is aimed at making national reconciliation and peaceful coexistence possible, and must be directed towards the establishment of the rule of law. In this context, the following programmes and measures shall be undertaken:

[...]

(c) Education of the population in the culture of peace;

Article 15. Principal objectives

The Government shall endeavour to correct the imbalances in distribution of the country's limited resources and to embark on the path of sustainable growth with equity. It shall set itself the following principal objectives:

[...]

(b) Providing all children with primary and secondary education at least to the age of 16;

**Page 106; ANNEX IV: REPORT OF COMMITTEE IV; Chapter I:
Rehabilitation and Resettlement of Refugees and Sinistrés; 1.4 Actions
relating to refugees and to sinistrés; 1.4.2 Actions for the resettlement
and reintegration of refugees and sinistrés**

Administrative issues relating to returnees in their country of asylum:

The Government of Burundi or the CNRS will:

[...]

(t) Assist pupils and students attending the two final years of primary, secondary and higher education and wishing to complete their studies in the host country;

**Page 111-14; ANNEX IV: REPORT OF COMMITTEE IV; Chapter II:
Reconstruction**

2.2 Inventory of infrastructure

2.2.4 Educational facilities

With regard to school infrastructure, the Government reckoned that 233 schools had been destroyed as of 1998; of those, it had already rebuilt 114.

Although many of the schools had been rebuilt, UNICEF estimated that more than 500 primary schools were not operational and that 10 per cent of secondary schools had not opened their doors during that school year.

It is not enough to rebuild schools, since the crisis has left many teachers dead or in exile. More than 2,000 unqualified teachers have had to be recruited and trained on the job, and some pupils in compulsory civics classes have been pressed into service to deal with this crisis.

According to a 1998 UNICEF estimate, the cost of rehabilitating the education sector as a whole will be \$US 12.5 million. Obviously, a major effort will be needed to bring the crude enrolment rate back to pre-crisis levels, let alone exceed them.

[...]

2.4 Physical reconstruction

Physical reconstruction has to do with the physical rebuilding of destroyed property. Burundi undertakes to finance this reconstruction with the aid of the international community. This exercise should be carried out transparently and equitably, in accordance with the following guidelines:

[...]

(b) Imbalances relating to public infrastructures, especially schools, should be corrected;

2.5 Political reconstruction

[...]

2.5.1 National reconciliation

[...]

2.5.1.4 Education for a culture of peace

[...]

(c) Education in the culture of peace should be included in school curricula, and the notions of democracy and the human rights and freedoms should be introduced.

Page 121-29; ANNEX IV: REPORT OF COMMITTEE IV; Chapter III: Economic And Social Development

3.4 Targeted objectives: towards sustainable growth with equity

The conflict in Burundi is partly the result of an inequitable distribution of the country's limited resources. The current imbalances must be corrected without delay, and the country must endeavour to achieve sustainable growth with equity. Principal objectives to be achieved in this area are to:

[...]

(b) Provide all children with primary and secondary education at least to the age of 16;

3.5 Measures to be taken

[...]

3.5.4 A sectoral perspective

[...]

3.5.4.3 The social sector

3.5.4.3.1 Education

In today's society, formal education is the key that opens the door to a better life. It affords access to jobs in the public and private sectors, where salaries are higher than in rural areas. Moreover, education beyond the primary level, especially for women, would help solve the problem of accelerated population growth, since educated households have better control over their fertility. It is for this reason that everyone in Burundi should receive an education. As Burundi is not yet able to educate its entire population, it must ensure that equity prevails in the sensitive area of school enrolment. Equity must be reflected in the location of schools and school infrastructure, and in the assignment of qualified teachers.

The crisis in Burundi has caused enrolment levels to plummet. The short-term objective is to bring them back up to pre-crisis levels. The main objective, though, is to reform the education system so that all children can be enrolled. Initially, what is needed is a reform that will allow all children to attend school until at least the tenth grade. Investment in education should be directed towards the achievement of that objective. School capacity at the secondary level should be increased, and colleges at the commune level should be encouraged and supported, as should the establishment of private secondary

schools. Teachers should be given appropriate training in adequate numbers, and all the requisite teaching materials should be provided. Particular attention should be paid in this regard to expanding the various areas in which vocational education is provided.

In the area of higher education, the establishment of higher technical institutes and universities, both public and private, should be encouraged.

3.6 The role of women in development

[...]

Future Governments will have to actively:

[...]

(d) Find solutions to the problems that prevent large numbers of girls from pursuing their education at the secondary and university level;

3.7 The role of youth

[...]

The following concrete measures should be taken on behalf of youth:

(a) Greater attention should be paid to youth and to the education of young people;

(b) Illiteracy should be eradicated among youth by the year 2005 through compulsory education;

(c) Young people not attending school should receive vocational and technical training that will allow them to carry out projects that will contribute to their personal development and to the economic and social development of Burundi;

3.10 Equitable sharing of the benefits of development

[...]

The Government must therefore set up an adequate framework to enable that the benefits of development are equitably distributed, particularly in the areas of secondary and higher education, universal health care, employment and equal access to such financial resources as bank credits and public markets. It must also ensure that interest groups do not thwart its efforts to uphold the general welfare.

Page 27; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST- TRANSITION CONSTITUTION; Article 3: Charter of Fundamental Rights

13. Freedom of expression and of the media shall be guaranteed. The State shall respect freedom of religion, belief, conscience and opinion.

Page 39; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 12: Objectives

2. The objectives of the transitional arrangements shall be:

[...]

(h) To adopt laws on political parties, local administration, the press and other matters as required by the present Protocol and by the needs of the transitional institutions;

Page 70; PROTOCOL III: THE DEFENCE AND SECURITY FORCES; CHAPTER III: PERMANENT CEASEFIRE AND CESSATION OF HOSTILITIES; Article 25: Definitions

2. The cessation of hostilities shall involve:

(a) Announcement of a cessation of hostilities 48 hours after the signing of the ceasefire agreement, through command channels and print and electronic media;

[...]

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Media Reform

(e) Cessation of defamatory, untruthful or ethnicist statements by the media and publications shall take place from the date of signature of the Agreement.

**Page 78; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER I: REHABILITATION AND RESETTLEMENT OF REFUGEES
AND SINISTRES; Article 3: Preparatory activities**

The Government shall undertake the following preparatory activities:

[...]

(g) Undertaking information and awareness campaigns on the mechanisms for peaceful coexistence and return to collines of origin;

**Page 82-83; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER II: PHYSICAL AND POLITICAL RECONSTRUCTION; Article
13: Political reconstruction**

Physical reconstruction and political reconstruction must be mutually supportive. Political reconstruction is aimed at making national reconciliation and peaceful coexistence possible, and must be directed towards the establishment of the rule of law. In this context, the following programmes and measures shall be undertaken:

[...]

(h) Provision of support for independent media.

**Page 117; ANNEX IV: REPORT OF COMMITTEE IV; CHAPTER II:
RECONSTRUCTION; 2.5 Political reconstruction; 2.5.7 Independent
media**

2.5.7.1 The situation of the media in Burundi

The media in Burundi are not sufficiently professional. Neither the public nor the private news media are very diverse, and this is true of both the broadcast media and the press. There are in fact few private or independent radio stations and few private newspapers.

Journalists working in the Burundian media today have not fully grasped their role, since most of them comment on the news or report it with an ethnic or partisan slant

2.5.7.2 Measures to support independent media

To diversify the media in Burundi, support or assistance must be provided to independent media as follows:

(a) The Government must understand that private and independent media are an intrinsic part of good governance. It must therefore accept and even help the media, particularly during their infancy. The Government should agree to an increase in the number of independent radio and television stations and newspapers. These media should display professionalism, competence and respect for the journalistic code of ethics;

(b) The role and place of the national communications advisory board in the public and private media should be redefined and strengthened;

(c) Training programmes and seminars should be organized to teach journalists about their rights and duties;

(d) Support should be provided to the future school of communications at the University of Burundi to promote the training of journalists.

Page 6; Article 2

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Demobilization,
Disarmament &
Reintegration

[...]

3. The Parties pledge that in the event of belligerent parties spurning or refusing such an invitation and continuing their belligerent activities against the people of Burundi, or any section of them, the violent acts of such parties will be deemed to be constitute an attack on all the Parties comprising this national

platform of the Burundian people, as well as on this endeavour to establish an inclusive democratic Burundian state. In such an event the Parties agree to call collectively, through the appropriate agencies including the Implementation Monitoring Committee, upon the Governments of neighbouring States, the international agencies which are guarantors of the Agreement and other appropriate national and international bodies to take the necessary steps to prohibit, demobilize, disarm, and if necessary arrest, detain and repatriate, members of such armed groups, and further to take such steps as are appropriate against any Party which encourages or supports such activities.

**Page 28; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-
TRANSITION CONSTITUTION; Article 3: Charter of Fundamental Rights**

27. No child shall be used directly in armed conflict, and children shall be protected in times of armed conflict.

**Page 47; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 19: Defence
and security forces**

1. Associations having the character of militias shall be prohibited.

**Page 51; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 22: Interim
period**

15. The participating parties shall do all in their power to ensure that their members observe the provisions of the Agreement, including, but not limited to, the prompt full and wide dissemination of the provisions of the Agreement relating to the ceasefire, disarmament, and reporting to quartering locations.

**Page 63-66; PROTOCOL III: PEACE AND SECURITY FOR ALL;
CHAPTER II: THE DEFENCE AND SECURITY FORCES**

Article 14: Composition of the defence and security forces

1. Composition of the national defence force

[...]

(b) The national defence force shall include members of the Burundian armed forces and combatants of the political parties and movements in existence at the time of restructuring of the army, as well as other citizens who wish to enlist.

(c) After the signature of the Agreement, the combatants of the political parties and movements, as well as the existing national defence force, shall be placed under the authority of the transitional Government.

[...]

Article 16 Balances within the defence and security forces

3. Correction of the imbalances shall be achieved during the transition period through the integration into the current defence and security forces of the combatants of the political parties and movements and through the recruitment of other Burundian citizens.

4. For purposes of rapid reduction of the command-level imbalances, accelerated training of commissioned and non-commissioned officers from among the combatants of the political parties and movements shall be conducted in Burundi and abroad as soon as the transition period commences.

**Page 67-68; PROTOCOL III: PEACE AND SECURITY FOR ALL;
CHAPTER II: THE DEFENCE AND SECURITY FORCES; Article 21:
Demobilization**

1. Demobilization shall begin after the signature of the Agreement in accordance with the implementation timetable (see Annex V).

2. To move from war to peace requires demobilization within the defence and security forces as well as for the combatants of the political parties and movements.

3. Demobilization shall involve both the members of the Burundian armed forces and the combatants of the political parties and movements.

4. Lists of people to be demobilized shall be compiled.

5. Members to be demobilized shall be provided with some form of appropriate identification.

6. Demobilization criteria and a demobilization package shall be drawn up.

7. The categories of people to be demobilized shall be:

(a) Volunteers;

(b) Those members who are handicapped or disabled;

(c) Those who do not meet the age criteria;

(d) Those whose discipline is such that they cannot be retained within the new defence and security forces;

(e) Individuals whose educational level is such that they would not be able to undergo military or police training;

(f) Members of the Burundian armed forces and combatants of the political parties and movements who will be rationalized to yield efficient and affordable defence and security forces.

8. An organ to deal with the socio-professional reintegration of demobilized troops shall be established.

9. A technical committee to work out the programme and modalities of demobilization shall be set up.

10. The international community shall be requested to assist in the process of demobilization.

11. Following the demobilization process, a certificate shall be issued to demobilized troops.

12. Each demobilized person shall receive a demobilization allowance.

**Page 71; PROTOCOL III: THE DEFENCE AND SECURITY FORCES;
CHAPTER III: PERMANENT CEASEFIRE AND CESSATION OF
HOSTILITIES; Article 25: Definitions**

4. The belligerents are:

(a) The Government forces;

(b) The combatants of the political parties and movements which signed the Declaration of 21 June 1998;

(c) The combatants of political parties and movements operating within the country which did not sign the Declaration of 21 June 1998;

(d) The political and ethnic militias operating within the country.

**Page 72-75; PROTOCOL III: THE DEFENCE AND SECURITY FORCES;
CHAPTER III: PERMANENT CEASEFIRE AND CESSATION OF
HOSTILITIES**

Article 26: General principles

1. The following principles are agreed upon:

[...]

(d) Supply of ammunitions and weaponry and other war-related stores to the field;

[...]

(h) Illicit trafficking of arms and the infiltration of armed groups shall be controlled with the collaboration of neighbouring countries;

- (i) The parties shall undertake to locate, identify, disarm, and assemble all armed groups in the country;
- (j) The parties shall ensure that armed groups operating under their command comply with the process;
- (k) Mechanisms for dismantling and disarming all militias and disarming civilians holding arms illegally shall be established;

2. Disengagement

(a) Disengagement shall mean the immediate breaking of contact between the opposing military forces of the Parties to the Agreement at places where they are in direct contact by the effective date and time of the ceasefire.

(b) Immediate disengagement at the initiative of all military units shall be limited to the effective range of all weapons. Disengagement to put all weapons out of range shall be conducted under the guidance of the Ceasefire Commission established pursuant to article 27 below.

(c) Where disengagement by a party is impossible or impractical, the Ceasefire Commission shall find an alternative solution to render the weapons safe.

Article 27: Verification and supervision

1. Ceasefire Commission

- (d) The Ceasefire Commission shall be responsible, among other things, for:
- (i) Establishing the location of units at the time of the ceasefire;
 - (ii) Establishing liaison between the parties for the purpose of the ceasefire;
 - (iii) Finding appropriate solutions in the event of difficulty in disengagement;
 - (iv) Conducting investigations of any ceasefire violations;
 - (v) Verifying all information, data and activities relating to military forces of the parties;
 - (vi) Verifying the disengagement of the military forces of the Parties where they are in direct contact;
 - (vii) Monitoring the storage of arms, munitions equipment;
 - (viii) Monitoring the quartering of troops and police;
 - (ix) Undertaking the disarmament of all illegally armed civilians;
 - (x) Undertaking mine clearance throughout the country.

2. Re-deployment of all troops to quartering centres

(a) Following disengagement, all troops shall be re-deployed to quartering locations.

(b) A map identifying the military quartering locations shall be made available to the Implementation Monitoring Committee.

(c) Upon re-deployment, all forces shall provide relevant information to the Ceasefire Commission on troop strength, movements and weapons they hold at each location.

(d) All facilities customarily made available to soldiers, but which cannot be provided at the quartering locations, such as hospitals, logistics units and training facilities, shall be supervised by the Ceasefire Commission.

(e) The Ceasefire Commission shall verify the reported data and information. All forces shall be restricted to the declared and recorded centres and all movements shall be subject to authorization by the Ceasefire Commission. All forces shall remain in the declared and recorded centres until the integration and demobilization process is completed.

(f) Quartering shall be conducted in two stages:

- (i) The first stage shall cover the quartering of the current Government's troops in their barracks;
- (ii) The second stage shall cover the quartering of the other negotiating armed parties' troops at sites previously identified and prepared.

4. Peace and security functions

(a) The peace and security functions of the Ceasefire Commission shall be:
[...]

(iii) To ensure the search for and recovery of all arms, the neutralization of militias throughout the country and the disarming of the civilian population;

[...]

(vii) To ensure the effective quartering of the defence and security forces, arms control, and respect for disciplinary rules within and outside the camps;

(b) The expert functions shall be:

(i) To assign the defence and security forces to their stations;

(ii) To conduct the identification of sites for military camps in military zones located outside the towns;

(iii) To supervise the operation for the demobilization of troops and police not retained within the new defence and security forces.

Page 87-88; PROTOCOL V: GUARANTEES ON IMPLEMENTATION OF THE AGREEMENT; Article 3: Implementation Monitoring Committee

1. Role of the Implementation Monitoring Committee

The functions of the Implementation Monitoring Committee shall be to:

[...]

(f) Give guidance to and coordinate the activities of all the commissions and subcommissions set up pursuant to each protocol for the purpose of implementing the Agreement. These commissions and subcommissions shall include the following:

[...]

- The Reintegration Commission;

Page 91-92; PROTOCOL V: GUARANTEES ON IMPLEMENTATION OF THE AGREEMENT; Article 5: Commissions

7. Ceasefire Commission

(f) The operations consisting of the ceasefire, disengagement, quartering and demobilization of the forces shall be completed within six months from the commencement of the activities of the Ceasefire Commission.

8. Reintegration Commission

(a) The organ provided for in article 21, paragraph 8 of Protocol III to the Agreement, hereinafter referred to as the Reintegration Commission shall have the role of organizing, supervising, monitoring and ensuring the effective economic and social reintegration of the troops and combatants who, as a result of the demobilization process carried out in conformity with article 21 of Protocol III to the Agreement, have become civilians.

(b) The Reintegration Commission shall consist of representatives of the Government, the United Nations and the Organization of African Unity. It shall be chaired by the Government.

(c) The Reintegration Commission shall commence its activities on the day of its establishment. These activities must be completed before the commencement of the electoral process.

Page 93; PROTOCOL V: GUARANTEES ON IMPLEMENTATION OF THE AGREEMENT; Article 8: Peacekeeping

Immediately following the signature of the Agreement, the Burundian Government shall submit to the United Nations a request for an international peacekeeping force in conformity with and for the purposes set forth in article 27, paragraph 5 of Protocol III to the Agreement. Account must be taken of United Nations practice in this respect. This force shall be responsible inter alia for:

[...]

(b) Supervising integration;

(c) Providing technical support for demobilization aid and training;

Page 126-27; ANNEX IV: REPORT OF COMMITTEE IV; Chapter III: Economic And Social Development; 3.5 Measures to be taken; 3.5.4 A sectoral perspective; 3.5.4.3 The social sector; 3.5.4.3.4 The economic and social aspects of demobilization

Demobilization is closely linked to the goals of national reconciliation and development and to the problem of employment (see 3.5.4.3.3.) Once the crisis is over, it will be necessary to demobilize the former combatants and proceed with their socio-professional reintegration. Demobilization and disarmament programmes are very expensive, which is why Burundi will require the assistance of the international community for this undertaking. The number of demobilized persons and armed forces members will have to be strictly monitored, as will expenditure in this sector, in order to justify continued financing by donors. On the basis of information provided by Committee III, an assessment of needs and costs should be made as soon as possible.

The following principles must be observed when implementing economic measures and carrying out demobilization:

- a. Equitable treatment of those demobilized;
- b. Establishment of an agency responsible for demobilization at the national and regional levels that will also ensure coordination with donors;
- c. Education of the target group and the communities about demobilization;
- d. Transparency and flexibility in the implementation of the demobilization programme;
- e. An integrated approach that includes among other items financial assistance, assistance with reintegration in the labour market and resettlement, legal advice and socio-psychological support;
- f. Economic integration based among other elements on education, vocational training, credit programmes, income-generating activities and employment programmes;
- g. Special attention to such target groups as child soldiers, women soldiers and the disabled;
- h. Facilitation of the integration of demobilized persons into their families and communities.

Page 39-40; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 13: Duration of the transition

1. The transition period shall commence from the time that the conditions necessary for installing the transitional Government in accordance with the applicable instruments have been met, which shall be as soon as possible after three months, and in any event not later than six months, from the date of signature of the Agreement. The Implementation Monitoring Committee alone shall determine this date, and may bring it forward if it decides that the necessary conditions exist. Until the transition period commences, all parties shall meet their obligations under the Agreement to establish or co-operate in establishing the agreed legal and institutional framework. The Implementation Monitoring Committee, established as set forth in Protocol V, shall be the mechanism for guaranteeing compliance with the Agreement.

2. The transition period shall culminate upon the election of the new President. The presidential election shall take place after the first democratic election of the National Assembly. Both elections shall take place within 30 months of the commencement of the transition period.

Page 132-136; ANNEX V: TIMETABLE FOR THE IMPLEMENTATION OF THE AGREEMENT: PROTOCOLS I, II, III AND IV

Serial Sequences: Signing + 30 days

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Transitional
Timeline

Activities: 1. First meeting of Implementation Monitoring Committee to decide on Executive Council

Timing: Immediately after signature

Execution: Facilitator, Parties

Activities: 2. Informal donors meeting on a technical level

Timing: 15 Sept. 2000 Brussels

Execution: European Commission / Facilitation, donors, international community

Activities: 3. Pledge by participating parties

Timing: Immediate Within 7 days

Execution: Participating parties

Articles and Paragraphs: Annex I

Activities: 4. Establishment of mechanism to investigate the status and release of prisoners

Timing: Immediate

Execution: Government / National Assembly

Activities: 5.

- Current National Assembly to adopt Peace Agreement

- Law permitting free political activity

- Repeal of repressive legislation

Timing: Immediate

Execution: National Assembly

Activities: 6. Implementation Monitoring Committee set up in Bujumbura

Timing: Immediate

Execution: Implementation Monitoring Committee / UN / OAU / Facilitator / region

Activities: 7. Peace forces to be solicited from UN / OAU / region

Timing: Immediate

Execution: Current Government / Facilitator / Signatories Implementation Monitoring Committee

Activities: 8. Monitoring of current Government activity + IMC to monitor and set up mechanisms to resolve disputes among Parties

Timing: Immediate Within 7 days

Execution: Implementation Monitoring Committee

Activities: 9. Campaign to popularize the Agreement

Timing: Immediate

Execution: Facilitator, participating parties, Implementation Monitoring Committee

Articles and Paragraphs: Protocol II, art. 22, para. 16

Activities: 10. Ceasefire dissemination

Timing: Immediate

Execution: BDF / Armed groups or interim force

Activities: 11. Establishment of reception mechanisms for refugees and sinistrés

Timing: Immediate – 30 days

Execution: UNHCR, Govt. of Burundi + international organizations

Articles and Paragraphs: Protocol IV, art. 2, para. 2(d)

Activities: 13. Other preparatory actions for the settlement and reintegration of refugees and sinistrés

Timing: Immediate ongoing

Execution: Govt. of Burundi, UNHCR and other international organizations

Articles and Paragraphs: Protocol IV art. 3 (d) – (h)

Activities: 14. Temporary immunity for political offences pending installation of transitional National Assembly

Timing: 1 - 30 days

Execution: Current National Assembly

Articles and Paragraphs: Protocol II, art. 22, para. 2(c)

30 days to 180 days

Activities: 15. Convening of Tripartite Commissions
Timing: 30 days
Execution: Governments of Tanzania, Democratic Congo, Rwanda, / Burundian Government / UNHCR
Articles and Paragraphs: Protocol IV, Art. 3(c).

Activities: 16. Government assets register
Timing: Within 30 days
Execution: Current Government
Articles and Paragraphs: Protocol II, art. 22, para. 6(b)

Activities: 17. Creation of Reconstruction and Development Unit
Timing: 30 – 45 days after signing
Execution: Technical ministries / donors / IMC, international organizations.
Articles and Paragraphs: Protocol IV, art. 17, para.1

Activities: 18. Arrangements for start of transition in place including reception centres, assembly points security for assembly points.
Timing: 30 days Continuous
Execution: Executive Council of Implementation Monitoring Committee

Activities: 19. Members of the transitional National Assembly to be named
Timing: Within 60 days
Execution: Participating Parties / Implementation Monitoring Committee
Articles and Paragraphs: Protocol II, art. 22, para. 3(b)

Activities: 20. Transitional President to name members of the Cabinet
Timing: Within 60 days
Execution: Transitional President / Implementation Monitoring Committee
Articles and Paragraphs: Protocol II, art. 22, para. 4

Activities: 21. Implementation Monitoring Committee to check if conditions for Transitional National Assembly in place (what additional steps to be taken by Parties / Government / UN)
Timing: 60 days after signature
Execution: Implementation Monitoring Committee
Articles and Paragraphs: Protocol II, art. 22, para. 5

Activities: 22. Members of transitional National Assembly and transitional Executive to return to Burundi
Timing: 60 days
Articles and Paragraphs: Execution: Parties / Implementation Monitoring Committee / Government

Activities: 23. Logistics for returning members of the transitional National Assembly and transitional Executive including travel documents
Timing: 1- 60 days
Execution: Implementation Monitoring Committee + Government
Articles and Paragraphs: Protocol II, art. 22, para. 6(a)

Activities: 24. Security arrangements for members of the transitional National Assembly / Executive and members of political parties in exile to be sought and installed
Timing: Within 60 days
Execution: Ceasefire Commission
Articles and Paragraphs: Protocol III, art. 27, para. 4(a)

Activities: 25. Preparation of an emergency reconstruction plan
Timing: 45-60 days after signature
Execution: National Assembly / Reconstruction & Development Unit
Articles and Paragraphs: Protocol IV, art. 17, para. 1(a)

Activities: 26. High-level international donors' conference
Timing: 45-120 days after signature
Execution: Facilitator, donors, international organizations, IMC, CNRS, RDU

Activities: 27. Prepare D-Day commitments for disarmament / demobilization / reintegration (personnel register)
Execution: BDF / Armed groups / interim force / Ceasefire Commission

Activities: 28. Disarm, assemble and train armed groups
Timing: Interim period
Execution: Ceasefire Commission

(Transition) D-Day

Activities: 29. Confirmation of camps closed or transformed into voluntary villages
Timing: D-Day
Execution: Transitional Government

Activities: 30. National Assembly disbanded Transitional National Assembly installed
Timing: D-Day
Execution: Transitional National Assembly / IMC

Activities: 31. Transitional Executive installed - move into premises
Timing: D-Day
Execution: Transitional Executive / IMC

Activities: 32. Transitional National Assembly meets to elect Bureau
Timing: D-Day + 3 days
Execution: Transitional National Assembly

Activities: 33. Review the propriety of all contracts, recruitment, during preceding period
Timing: Ongoing D-Day
Execution: Transitional National Assembly / transitional Government

Activities: 34. Establish Commission on Judicial Reform
Timing: D-Day + 30 days
Execution: Transitional National Assembly
Articles and Paragraphs: Protocol II, art. 17, para. 1

Activities: 35. Establish Administrative Reform Commission
Timing: D-Day + 30 days
Execution: Transitional National Assembly
Articles and Paragraphs: Protocol II, art. 17, para. 1

Activities: 36. Establish Constitutional Commission
Timing: D-Day + 30 days
Execution: Transitional National Assembly
Articles and Paragraphs: Protocol II, art. 15, para. 4

Activities: 37. Appoint heads of Police, Defence and National Intelligence
Execution: Transitional Government
Articles and Paragraphs: Protocol II, art. 15. para. 18

Activities: 38. Appoint Provincial Governors
Timing: D-Day + 30 days
Execution: Transitional Government
Articles and Paragraphs: Protocol II, art. 15, para. 19(a)

Activities: 39. Appoint Commune Administrators
Timing: D-Day + 30 days
Execution: Transitional Government / transitional National Assembly
Articles and Paragraphs: Protocol II, art. 15, para. 19(c)

Activities: 40. Appoint Constitutional Court judges
Timing: D-Day + 30 days
Execution: Transitional President
Articles and Paragraphs: Protocol II, Art. 15, para. 19(b)

Activities: 41. Establish Land Sub-Commission (subordinated to CNRS) which will take action on land issues
Timing: D-Day + 30 days
Execution: CNRS / participating parties / transitional Government
Articles and Paragraphs: Protocol IV, art. 3(b)

Activities: 42. Special assistance programmes for vulnerable groups
Timing: D-Day + 30 days

Execution: Transitional Government + international assistance + CNRS
Articles and Paragraphs: Protocol IV, Art. 10

Activities: 43. Prepare detailed plan for physical and political reconstruction for the transition period

Timing: D-Day + 30 days

Execution: Transitional Nat. Assembly + Reconstruction & Devpt. Unit + transitional Government

Articles and Paragraphs: Protocol IV, art. 17, para. 1(b)

Activities: 44. Request UNSC to set up International Judicial Commission of Inquiry

Timing: D-Day + 30 days

Execution: Transitional Government/ UN

Articles and Paragraphs: Protocol I, Art. 6, para. 10

Activities: 45. Establish conditions of service and adopt organic laws of New Defence Force

Timing: D-Day + 30 days

Execution: Transitional National Assembly / transitional Government

Articles and Paragraphs: Protocol III, Art. 19

Activities: 46. Establish Commission on prisons, political prisoners, prisoners on death row and working conditions for prison guards

Timing: D-Day + 30 days

Execution: Transitional Government

Articles and Paragraphs: Protocol II, Art. 15, para. 20

Activities: 47. Adopt laws on judicial reform

Timing: Ongoing from D-Day

Execution: Transitional National Assembly

Activities: 48. Review of all judges and solicit international assistance. Appointment of new ones judged

Timing: Ongoing from D-Day

Execution: Transitional Government

Articles and Paragraphs: Protocol II, Art. 17, para. 10

Activities: 49. Review of all existing legislation (amendment or repeal)

Timing: Ongoing from D-Day

Execution: Transitional National Assembly + transitional Government

Activities: 50. Mass campaign on reconciliation

Timing: Ongoing from D-Day

Execution: Transitional National Assembly / transitional Government / political parties

Articles and Paragraphs: Protocol I, Art. 6, para. 3 and Protocol IV, art. 13(c)

Activities: 51. Implement judicial and administrative reforms

Timing: Ongoing from D-Day

Execution: Transitional Government / transitional National Assembly

Articles and Paragraphs: Protocol II, art. 17, paras. 1 & 2

Activities: 52. Adapt Local Government Law

Timing: Ongoing from D-Day

Execution: Transitional National Assembly

Activities: 53. Preparation of a medium and long-term development plan

Timing: D-Day + 90 days

Execution: Government / Donors / international organizations / transitional Government / international assistance / National Assembly

Articles and Paragraphs: Protocol IV, art.17, para. (c)

Activities: 54. Establish the Electoral Commission nominating authority

Timing: D-Day + 90 days

Execution: Transitional National Assembly / transitional Government

Articles and Paragraphs: Protocol II, art. 20, para. 3

Activities: 55. Implement Committee IV proposals on economic development and reconstruction

Timing: D-Day + 90 days ongoing

Execution: Transitional Government / transitional National Assembly
Articles and Paragraphs: Protocol IV, arts. 11 - 16

Activities: 56. Establish Truth & Reconciliation Commission
Timing: D-Day + 6 months
Execution: Transitional Government / transitional Nat. Assembly
Articles and Paragraphs: Protocol I, art. 8 Protocol II, art. 5, para. 4

Activities: 57. Adopt Electoral Law
Timing: D-Day + 12 months
Execution: Transitional National Assembly
Articles and Paragraphs: Protocol II Art. 20, para. 5

Activities: 58. Electoral Commission demarcates collines and zones. Prepare for colline elections
Timing: Within 18 months of D-Day
Execution: Electoral Commission

Activities: 59. Hold local government elections (Colline level)
Timing: Within 18 months of D-Day
Execution: Electoral Commission
Articles and Paragraphs: Protocol II, Art. 20, para. 12

Activities: 60. Hold local government elections (Commune level)
Timing: Within 18 months of D-Day
Execution: Electoral Commission

Activities: 61. Adapt new Commune Administrators
Timing: After commune level election
Execution: Commune Councils
Articles and Paragraphs: Protocol II, Art. 20, para. 13(a)

Activities: 62. Pass Constitutional text
Timing: D-Day + 18 months
Execution: Transitional National Assembly

Activities: 63. Hold referendum on Constitution
Timing: Within 24 months of D-Day
Execution: Electoral Commission / transitional Government / transitional National Assembly
Articles and Paragraphs: Protocol II, art. 15, para. 7

Activities: 64. Certify Constitutional text (or amend and resubmit)
Timing: Within 23 months of D-Day
Execution: Constitutional Court
Articles and Paragraphs: Protocol II, art. 20, para. 4(a)-(g)

Activities: 65. Prepare for election: regulations, establish multi-party committee
Timing: Within 30 months of D-Day
Execution: Transitional Government / National Assembly / Electoral Commission

Activities: 66. Hold elections for the National Assembly
Timing: Within 30 months of D-Day
Execution: Electoral Commission
Articles and Paragraphs: Protocol II art. 6, para. 17 & 15

Activities: 67. Commune Councils to elect Senators. Co-opt Twa to Senate
Timing: Within 30 months of D-Day
Execution: Electoral Commission and Senate

Activities: 68. Merge Burundi Defence Force and armed groups
Timing: Transition period
Execution: Transitional Government

Activities: 69. Demobilize to new strength levels
Execution: Ceasefire Commission / transitional Govt.

Activities: 70. Confirm new defence force complies with 50/50 rule
Timing: After election
Execution: Transitional Government

Activities: 71. National Assembly (new) and Senate meet to elect new President

[...]

Page 18-19; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT, PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS; CHAPTER II: SOLUTIONS

Article 5: General political measures

4. Orientation of political parties' programmes towards the ideals of unity and national reconciliation and of socio-economic development rather than the protection of a specific component of the Burundian people.

6. Enactment of an electoral law that takes into account the concerns and interests of all components of the nation on the basis of the provisions of Protocol II to the Agreement.

Article 7 Principles and measures relating to exclusion

3. Banning of all political or other associations advocating ethnic, regional, religious or gender discrimination or ideas contrary to national unity.

Page 29; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-TRANSITION CONSTITUTION; Article 4: Political parties

1. The multiparty system shall be recognized in the Republic of Burundi.

2. Political parties may be formed freely in conformity with the law.

3. A political party shall be a non-profit association uniting citizens around a democratic blueprint for society founded on national unity, and having a political programme with precise objectives dictated by the desire to serve the public interest and ensure the development of all citizens.

4. Political parties must comply with democratic principles in their organization and functioning, be open to all Burundians and be national in character and leadership, and shall not promote ethnic, regional or religious violence and hatred.

5. Political parties - and coalitions of political parties - shall promote the free expression of suffrage and shall participate in political life by peaceful means.

6. For the purposes of promoting democracy, a national law may authorize the financing of political parties on an equitable basis in proportion to the number of seats they hold in the National Assembly. Such financing may apply both to the functioning of the political parties and to electoral campaigns, and shall be transparent. The law shall define the types of subsidies, benefits and facilities that the State may grant political parties.

7. Registration of political parties shall fall within the competence of the Ministry of the Interior.

8. The law shall guarantee non-interference by the public authorities in the internal functioning of political parties, save for such restrictions as may be necessary for the prevention of ethnic hatred and the maintenance of public order.

9. Political parties may form coalitions during elections in accordance with the electoral law.

Page 29-30; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-TRANSITION CONSTITUTION; Article 5: Elections

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Electoral & Political
Party Reform

1. The right to vote shall be guaranteed.
2. Elections shall be free, fair and regular in accordance with the electoral law and the law governing political parties.
3. Elections shall be organized impartially at the national, commune and colline levels and at other levels prescribed by the Constitution or by law.
4. Until amended in accordance with the post-transition Constitution, the rules relating to the electoral system shall be the same as those governing the elections for institutions at the national, commune and colline levels to be held during the transition period.
5. An Independent National Electoral Commission constituted in conformity with the provisions of article 20 of the present Protocol shall guarantee the freedom, impartiality and independence of the electoral process.

**Page 31; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-
TRANSITION CONSTITUTION; Article 6: The Legislature**

16. The Senate shall have the following functions:

- (a) To approve constitutional amendments and organic laws, including laws governing the electoral process;

**Page 33; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-
TRANSITION CONSTITUTION; Article 7: The Executive**

1. (a) The Constitution shall provide that, save for the very first election of a President, the President of the Republic shall be elected by direct universal suffrage in which each elector may vote for only one candidate. The President of the Republic shall be elected by an absolute majority of the votes cast. If this majority is not obtained in the first round, a second round shall follow within 15 days.

(b) Only the two candidates who have received the greatest number of votes during the first round may stand in the second round. The candidate who receives the majority of votes cast in the second round shall be declared the President of the Republic.

(c) For the first election, to be held during the transition period, the President shall be indirectly elected as specified in article 20, paragraph 10 below.
[...]

3. She/he shall be elected for a term of five years, renewable only once. No one may serve more than two presidential terms.

**Page 39; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 12: Objectives**

2. The objectives of the transitional arrangements shall be:
[...]

(g) To adopt an electoral law, establish an independent electoral commission and ensure the holding during the transition period of elections at the local and national levels as provided for in article 20 below;

**Page 40; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 13: Duration of
the transition**

2. The transition period shall culminate upon the election of the new President. The presidential election shall take place after the first democratic election of the National Assembly. Both elections shall take place within 30 months of the commencement of the transition period.

**Page 40; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 14: Political
parties during the transition**

1. The transitional National Assembly shall within twelve months of its installation adopt a law setting forth the qualifications and procedure for registration of political parties.
2. The said law shall specify a judicial authority which shall receive and adjudicate on applications by political parties for registration. Decision of the authority shall be posted in public places and published in the official Gazette of Burundi.
3. Pending the adoption of such a law, all political parties shall be entitled to function in accordance with the 1993 law on political parties.
4. The political parties shall commit themselves in writing to oppose any political ideology and any action that has at its purpose the promotion of violence, hatred or unlawful discrimination.
5. In order to promote national renewal, reconciliation and unity, no party shall be registered if it is established on the basis of ethnic or regional exclusivity. This sub-clause shall take effect nine months after the commencement of the transition period, in order to enable parties whose names or constitution do not satisfy this requirement to duly amend them so as to comply.
6. No political party may participate in the transitional arrangements, including those relating to the integration of the defence and security forces, if they do not respect the commitments embodied in the Agreement. Each such «participating party» must sign the pledge annexed hereto confirming its intention to participate in the transitional arrangements and its commitment to peace, reconciliation and democracy.
7. If political parties represented within the transitional National Assembly decide to merge, the merging parties shall retain the number of seats they had acquired initially.
8. Subject to the provisions of paragraphs 6 and 9 of this article, all Parties shall be entitled, but not obliged, to become participating parties.
9. The Government and National Assembly that are signatories to the Agreement shall not be participating parties unless specifically so provided in the Agreement.
10. A non-signatory party may become a participating party subsequent to the date of signature of the Agreement if four-fifths of the Parties represented in the Implementation Monitoring Committee so agree.

**Page 47-49; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 20: Elections**

1. Elections at the commune level and at the national level shall be held during the transition period in accordance with the provisions and within the time-frames set forth in the present Protocol.
2. An Independent National Electoral Commission shall be established by the transitional Government as set forth hereunder.
3. The Commission shall be made up of five independent personalities and shall solicit advice from a multiparty commission of the transitional National Assembly. Its members shall be approved by a three-fourths majority of the transitional National Assembly, and may include non-Burundians who have expertise and integrity.
4. The Commission shall have as its functions:
 - (a) To organize elections at the national, commune and colline levels;

(b) To ensure that these elections are free, fair and transparent;

(c) To proclaim the results of the elections within a period determined by law, which shall be as short as possible;

(d) To promulgate the arrangements, the code of conduct, and the technical details, including the location of voting stations and times of voting;

(e) To hear and adjudicate on complaints regarding observance of the rules of the elections. The decisions of the commission shall be final;

(f) To ensure through appropriate rules that parties do not operate in a manner that incites ethnic violence or is otherwise not in conformity with the present Protocol;

(g) To ensure, and hear disputes regarding, compliance with the multiethnic requirements set forth in the present Protocol.

5. The transitional National Assembly shall within 12 months and by a two-thirds majority adopt a law regarding electoral rules.

6. The revised electoral code may set a threshold - up to 2% - below which no political party may be allocated seats if it has not won that percentage of the votes cast at the national level.

7. There shall be elections for the National Assembly, which shall take place after the commune elections and before the election of the President. The National Assembly shall have 100 directly elected members. As an exceptional measure and for the purpose of the first election only, and only if one party has received more than three-fifths of the directly elected seats, an additional 18 to 21 members in total shall be co-opted in equal numbers from the lists of all the parties that have obtained more than the threshold vote, or two persons per party if more than seven parties qualify.

8. The electoral system for the National Assembly shall be the system of blocked lists with proportional representation. The revised electoral code shall prescribe that lists be multiethnic in character and reflect gender representation. For each three names in sequence on a list, only two may belong to the same ethnic group, and for each five names at least one shall be a woman.

9. The election of the President of the Republic shall take place after the National Assembly elections and before the end of the transition period.

10. The first post-transition President shall be elected by the National Assembly and Senate sitting together by a majority of two-thirds of the votes.

11. Any person who has served as President during the transition period shall be ineligible to stand for President in the first election. Candidates for the presidency must be Burundian citizens and over 35 years of age.

12. Elections at the commune level shall be held, in accordance with the procedures listed below, within eighteen months of the commencement of the transition period.

13. (a) The collines shall be administered by colline councils of five members elected by direct universal suffrage. The councillor with the greatest number of votes shall become the chief of the colline. Elections for the colline chiefs shall, for the first elections, not be based on party political lists and all candidates shall stand as independents.

(b) The communes shall be administered by commune councils, which shall be elected by direct universal suffrage.

(c) For purposes of the first election, each Commune Council shall appoint a Commune Administrator and may dismiss her/him for good cause, including incompetence, corruption, misconduct or embezzlement. For subsequent elections, the National Assembly and the Senate may, after evaluation, legislate for the administrators to be elected by direct universal suffrage.

(d) At the national level, not more than 67% of commune administrators shall be from either of the two main ethnic components. The Senate shall ensure respect for this principle.

**Page 83; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER II: PHYSICAL AND POLITICAL RECONSTRUCTION; Article
13: Political reconstruction**

Physical reconstruction and political reconstruction must be mutually supportive. Political reconstruction is aimed at making national reconciliation and peaceful coexistence possible, and must be directed towards the establishment of the rule of law. In this context, the following programmes and measures shall be undertaken:

[...]

(f) Support of democratization, including strengthening of the parliamentary system and support for the political party system;

**Page 117; ANNEX IV: REPORT OF COMMITTEE IV; CHAPTER II
RECONSTRUCTION; 2.5 Political reconstruction; 2.5.8 Political parties**

Political parties are organizations that are indispensable to good governance. They are social structures for political thought and organization. It is primarily through political parties that civic and political education takes place. Rather than being blamed them for every problem in the country and destabilized, they should be supported. They should be given government financing, in accordance with the legislation governing political parties, as is done in many democratic countries.

**Page 137-39; APPENDIX I; I. SUMMARY OF CONSTITUTIONAL AND
TRANSITIONAL PROPOSALS FOR BURUNDI; B. SUMMARY OF
PROPOSALS**

1. Electoral system

The "electoral system" does not merely concern the system of voting, but must be understood in the context of the full variety of the institutional and other mechanisms providing for inclusive and multi-ethnic participation in the structures of government and the Senate.

2. Ethnic over-representation

The electoral system set out in the Agreement is premised on the principle of universal suffrage (supported by every one of the parties) with a common voter's roll (supported by at least 12 and possibly more of the parties). The electoral system envisages that voting will be in respect of party lists in a proportional representation system in which the lists are required to reflect a high degree of representation of minorities. A system of multi-ethnic lists was supported principally by the centrist parties, including the Government, and opposed only by a minority of parties which had proposed segregated political structures. Some parties have called for as many as 50% of the members of the National Assembly to come from the approximately 15% of the population made up of minorities. The electoral system as proposed here will yield a National Assembly in which, before co-optation as described below, approximately 38% of the members are from the minorities.

3. Additional co-optation to the National Assembly

The proposals allow for the possibility of additional minority representation in the first elections by a co-optation mechanism which grants enhanced representation for opposition parties by allocating an equal proportion of a further 20 seats to all qualifying parties regardless of their popular support. In effect this would mean that members of minority groups (some 15% of the population including the Batwa) should fill some 40% or more of the seats in the National Assembly. It would also mean enhanced opposition representation in the Assembly, and would partially allay fears of a dominant single party.

4. Ethnically balanced Senate

In addition the proposals envisage a second chamber in which two representatives, one Hutu and one Tutsi, will be indirectly elected from each province. This chamber, the Senate, thus has parity in respect of the ethnic membership of its provincial representatives. The Senate is given important powers to confirm or approve strategic appointments and laws of an important nature. It should be stated that the proposals regarding the establishment, powers and composition of the Senate were strongly supported by many of the parties purporting to represent minority concerns – and strongly opposed by the G-7 group of parties. The electoral college for the Senate is comprised of local- level councils constituted on a non-party basis. It need hardly be repeated that this proposal involves parity of membership between members of ethnic groups that constitute 85% and 13% of the population respectively. They will, however, be popularly elected.

5. Co-optation at the local level

In addition, the proposals provide for indirectly elected commune councils and appointed commune administrators, with a safety mechanism to ensure that minorities are adequately represented on the councils. These elections may not be conducted on a party political basis. Again, these proposals flow directly from concerns raised by groups purporting to represent minority concerns. [...]

8. Indirectly elected President

Although the President will in the longer term be directly elected, to accommodate minority concerns in the short term it is proposed that the President be indirectly elected with a high degree of support in the National Assembly. This proposal is also a response to proposals along such lines by parties purporting to represent minority concerns.

14. Promoting interest-based, not group-based, political parties

The proposals thus attempt to marry the need for an overall framework of democratic accountability with a system that caters for the fears of minorities by allowing for their considerable over-representation in the institutions of government. It is a system which would, it is envisaged, minimize the potentially disastrous consequences of the correlation between ethnic boundaries and political party by requiring the parties to present a multi-ethnic façade, and yet ensure that the ethnic minorities are represented not only in the Legislature, but in the Presidency and in the Cabinet. In the longer term all parties have agreed that Burundi is required to develop a political party system founded on the aggregation of political rather than group interests.

Page 143-47; APPENDIX I; II. COMMENTS ON INDIVIDUAL POINTS IN THE PROPOSALS

Article 5, paragraph 4

The substantive proposals can be found in Chapter II of Protocol II, which provides that some aspects of the electoral process are to govern only the first election, and to lapse thereafter.

Article 7, paragraph 1

No agreement was obtained on the mode of election of the President. The system of politically alternating presidents was considered unworkable, democratically unsustainable or even a source of instability. The proposals made were mutually exclusive:

(1) One was that the President of the Republic should be elected by the National Assembly and the Senate;

(2) The other was that the President of the Republic should be elected by direct universal suffrage.

Because of the political context within Burundi, the Bureau proposes a compromise by creating an initial exception that would reflect the importance of demonstrably wider support for the first President, and would help to

stabilize the political institutions by not holding additional presidential elections at the end of the transition. The proposal of indirect elections for the very first election is premised on the need for more universal support for the first President. It is no less democratic and yields an accountable Executive. There is no evidence to support the argument that directly elected presidents are less vulnerable to a coup d'état than indirectly elected ones provided both are constitutionally sound and based on free and fair elections. The Bureau would propose that this be a unique case, with subsequent presidents being elected by direct universal suffrage.

Article 14, paragraph 5

This provision is subject to a sunrise provision so that parties which do not yet comply with this requirement can subscribe to the Agreement and participate in its structures, and formally adjust their constitutions and structures later. The political parties must be given the opportunity to fulfil the necessary requirements established in the Protocols to the Agreement. The present situation makes it impracticable for some of the political parties to consult their constituencies and their militants before major decisions can be taken. The Bureau therefore proposes a suspended period of nine months so as to be able to allow such parties to adapt to the new requirements.

Page 21-22; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT, PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS; CHAPTER II: SOLUTIONS; Article 7: Principles and measures relating to exclusion

Principles and measures relating to the economy

19. Equitable apportionment and redistribution of national resources throughout the country.

20. Urgent implementation of an economic recovery programme with a view to combating poverty and raising the income of the people and of a programme for the reconstruction of destroyed economic infrastructures.

21. Legislation and structures for combating financial crime and corruption (tax legislation, customs legislation, legislation on public markets, etc.).

22. Recovery of State property plundered by some citizens.

23. Introduction of incentives for economic development in the context of fairness and harmony.

24. Development of the private sector by means of incentives with a view to creating new jobs and reducing the burden and pressures on the public sector.

Principles and measures relating to social services

25. Pursuant to the relevant provisions of Protocol IV to the Agreement:

(a) Equitable distribution of and access to social infrastructures, particularly schools and hospitals;

[...]

Page 28; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-TRANSITION CONSTITUTION; Article 3: Charter of Fundamental Rights

18. The State shall ensure the good management and utilization of the nation's natural resources on a sustainable basis, conserving such resources for future generations.

20. The right to form and join trade unions and to strike shall be recognized. The law may regulate the exercise of these rights and prohibit certain categories of persons from going on strike.

23. The State shall be under an obligation to promote the development of the country, especially rural development.

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Socio-Economic
Development

**Page 34; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-
TRANSITION CONSTITUTION; Article 8: Local government**

2. Communes shall be decentralized administrative entities. They shall be the basis of economic and social development, and shall be divided into collines or zones and such other subdivisions as are provided for by law.

**Page 47; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 18: Combating
impunity during the transition**

3. The transitional Government shall scrupulously fulfil the commitments contained in Protocol IV to the Agreement concerning the repatriation and resettlement of refugees and sinistrés as well as the restitution of property, including land, belonging to such persons.

**Page 54; PROTOCOL III: PEACE AND SECURITY FOR ALL; CHAPTER I:
PEACE AND SECURITY FOR ALL; Article 1: Principles of peace and
security for all**

13. An economic and social policy that ensures the harmonious and balanced development of the people and the nation, as well as a policy of harmonious resolution of social problems, shall be pursued.

**Page 57; PROTOCOL III: PEACE AND SECURITY FOR ALL; CHAPTER I:
PEACE AND SECURITY FOR ALL; Article 5: Manifestations of the
insecurity and violence**

The insecurity and violence are manifested in:

[...]

(c) Destruction of national and socio-economic infrastructures, as well as of public and private property.

(d) Arbitrary practices, widespread abuse of power, corruption and the plundering of national resources.

**Page 61-62; PROTOCOL III: PEACE AND SECURITY FOR ALL;
CHAPTER II: THE DEFENCE AND SECURITY FORCES; Article 12:
Missions of the defence and security forces**

1. Missions of the national defence force

The missions of the national defence force shall be:

[...]

(d) To participate in assistance activities in case of natural disasters;

(e) To contribute to the development of the country through major works, production and training;

2. Missions of the national police

The missions of the national police shall be:

[...]

(e) To ensure the protection of infrastructures and public property;

(g) To intervene in case of catastrophe or disaster;

3. Missions of the intelligence service

The missions of the intelligence service shall be:

(a) To seek out, centralize and make use of all information likely to contribute to the protection of the State, its institutions and its interests at the international level, as well as to the prosperity of its economy;

[...]

(e) To detect as early as possible any threat to the country's ecological environment;

**Page 78-79; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER I: REHABILITATION AND RESETTLEMENT OF REFUGEES
AND SINISTRES; Article 4: Guidelines governing resettlement and
integration**

The CNRS shall decide on the activities for the resettlement and integration of refugees and sinistrés in accordance with the priority plan taking into account the availability of resources, in order to achieve the following aims and objectives:

[...]

(b) To give all returning families, including female- and child-headed families, food aid, material support and assistance with health, education, agriculture and reconstruction until they become self-sufficient;

(c) To provide communes, villages and collines with assistance in the reconstruction of community infrastructures and with support for income-generating activities, paying special attention to women and enhancing their roles in building and sustaining families and communities;

(d) To settle all those who believe that they cannot yet return on sites close to home, in order to enable them to go and till their fields initially and return to their land later on;

(e) To encourage, to the extent possible, grouped housing in the reconstruction policy in order to free cultivable land;

(f) To ensure equity in the distribution of resources between the ethnic groups on the one hand and the provinces on the other, and to avoid overlap between the various parties involved;

[...]

(j) To assist returnees in other areas such as medical services, psycho-social support, social security and retirement, education of children and the equivalency of diplomas awarded outside Burundi.

**Page 79; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER I: REHABILITATION AND RESETTLEMENT OF REFUGEES
AND SINISTRES; Article 5. Actions with regard to returnees in their
country of asylum.**

The Government shall undertake the following actions with regard to returnees in their country of asylum:

[...]

(b) In the context of agreements between countries or social security institutions, helping those who were employed in the country of asylum receive social security benefits to which they are entitled in respect of such employment;

**Page 80-81; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER I: REHABILITATION AND RESETTLEMENT OF REFUGEES
AND SINISTRES; Article 8: Issues relating to land and other property**

To resolve all issues relating to land and other property, the following principles and mechanisms shall be applied:

(a) Property rights shall be guaranteed for all men, women and children. Compensation which is fair and equitable under the circumstances shall be payable in case of expropriation, which shall be allowed only in the public interest and in accordance with the law, which shall also set out the basis of compensation;

(b) All refugees and/or sinistrés must be able to recover their property, especially their land;

(c) If recovery proves impossible, everyone with an entitlement must receive fair compensation and/or indemnification;

(d) Refugees who do not return may receive a just and equitable indemnification if their land had been expropriated without prior indemnification and in contravention of the principle set out in sub-paragraph (a) of the present article;

(e) The policy with respect to distribution of State-owned land shall be reviewed so that priority can be given to the resettlement of sinistrés;

(f) An inventory of destroyed urban property shall be drawn up with a view to making it habitable in order to redistribute it or return it as a priority to the original owners;

(g) A series of measures shall be taken in order to avoid subsequent disputes over land, including the establishment of a register of rural land, the promulgation of a law on succession and, in the longer term, the conduct of a cadastral survey of rural land;

(h) The policy of distribution or allocation of new lands shall take account of the need for environmental protection and management of the country's water system through protection of forests;

(i) Burundi's Land Act must be revised in order to adjust it to the current problems with respect to land management;

(j) The Sub-Commission on Land established in accordance with article 3 (b) of the present Protocol shall have the specific mandate of:

(i) Examining all cases of land owned by old caseload refugees and state owned land;

(ii) Examining disputed issues and allegations of abuse in the (re)distribution of land and ruling on each case in accordance with the above principles;

(k) The Sub-Commission on Land must, in the performance of its functions, ensure the equity, transparency and good sense of all its decisions. It must always remain aware of the fact that the objective is not only restoration of their property to returnees, but also reconciliation between the groups as well as peace in the country.

Page 82-83; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT; CHAPTER II: PHYSICAL AND POLITICAL RECONSTRUCTION

Article 11. Reconstruction programme

1. The transitional Government shall initiate and finance, with the support of the international community, a programme of physical and political reconstruction that takes a comprehensive approach incorporating rehabilitation, peace-building, promotion of the rights and freedoms of the human person, economic growth and long-term development.

2. The reconstruction programme shall be conducted and carried out in accordance with a realistic timetable that takes account of local capabilities and external inputs. The programme must be designed with a view to equity so that all categories of the population may benefit from it.

Article 12. Physical reconstruction

Physical reconstruction aims at assisting in the return of the refugees and sinistrés, as well as at the rebuilding of destroyed physical property. Physical reconstruction shall be conducted, transparently and equitably, in such a way as to:

(a) Take into account both those who are being resettled or reintegrated and the communities receiving them;

(b) Contribute to correcting the imbalances relating to public infrastructures, including school infrastructures;

(c) Solve the problems relating to the repayment of loans that some Burundians had borrowed from banks and financial institutions for which the object financed has been destroyed;

- (d) Ensure sound management of rebuilt infrastructures;
- (e) Make use of human capital as an essential element of reconstruction;
- (f) Create conditions conducive to reconstruction and the reactivation of production activities;
- (g) Enhance the intervention capacity of the communes;
- (h) Draw on national solidarity.

Article 13. Political reconstruction

Physical reconstruction and political reconstruction must be mutually supportive. Political reconstruction is aimed at making national reconciliation and peaceful coexistence possible, and must be directed towards the establishment of the rule of law. In this context, the following programmes and measures shall be undertaken:

- (a) Launching of a multi-faceted national reconciliation programme;
- (b) Promotion of the rights and freedoms of the human person;
- (c) Education of the population in the culture of peace;
- (d) Initiation of tangible actions for the advancement of women;
- (e) Reform of the judicial system;
- (f) Support of democratization, including strengthening of the parliamentary system and support for the political party system;
- (g) Support for the development and strengthening of civil society;
- (h) Provision of support for independent media.

Page 83-85; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT; CHAPTER III: ECONOMIC AND SOCIAL DEVELOPMENT

Article 14: Development programme

The transitional Government shall launch a long-term economic and social development programme. With the support of international agencies, it shall begin work on remedying the economic situation, reversing the trends resulting from the crisis, particularly the intensification of poverty, and taking up the challenges that impede economic development.

Article 15: Principal objectives

The Government shall endeavour to correct the imbalances in distribution of the country's limited resources and to embark on the path of sustainable growth with equity. It shall set itself the following principal objectives:

- (a) Increasing rural and urban household income;
- (b) Providing all children with primary and secondary education at least to the age of 16;
- (c) Reducing the infant mortality rate by at least half;
- (d) Giving the entire population access to health care;
- (e) Improving the well-being of the population in all areas.

Article 16: Guidelines governing development

In pursuit of these objectives, the Government shall follow the guidelines set out hereunder on the basis of the measures specified in the report of Committee IV (see Annex IV):

- (a) Working towards macro-economic and financial stabilization;
- (b) Attempting to solve the problem of external and domestic public debt;
- (c) Initiation of structural reforms in the social sectors;
- (d) Creation of an environment conducive to the expansion of the private sector;
- (e) Efforts to create new jobs and compliance with the criteria of equity and transparency in employment;
- (f) Ensuring good governance in the management of public affairs;
- (g) Rendering operational the Court of Audit established under the provisions of Chapter I of Protocol II to the Agreement;
- (h) Transformation of the communes into focal points for development and promotion of greater public access to State services by means of a decentralization policy;
- (i) Promotion of the role of women and youth in development, with the aid of specific measures to benefit them;
- (j) Initiation of Burundi's integration into the region;
- (k) Equitable apportionment of the benefits of development.

Article 17: Implementation

1. For the implementation of the reconstruction and development measures, an Inter-Ministerial Reconstruction and Development Unit shall be created to which the Ministries of Planning, Finance and Reintegration shall second personnel. Support for this Unit shall be sought from the World Bank, the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees, the European Commission and others. It shall have the following mandate:

- (a) Preparation, within six weeks of the signing of the peace agreement, of an emergency reconstruction plan that will set the priorities for reconstruction and provide an initial estimate of costs. In preparing this plan, the National Commission for the Rehabilitation of Sinistrés shall be consulted and invited to submit proposals. This emergency plan shall also serve as the basis for discussion at a donor conference;
- (b) Subsequently, preparation of a detailed reconstruction plan covering the transition period as set forth in Chapter II of Protocol II to the Agreement;
- (c) At the same time, preparation of a medium- and long-term development plan.

2. The three plans shall be submitted to the National Assembly for approval. They will be guided by the measures proposed by Committee IV (see Annex IV, chapters II and III) while adapting the priorities in response to developments in the situation and bearing in mind opportunities for financing.

3. Donors will be involved in the work of the Unit, and may request an international auditing company to monitor all financial operations and accounts that may be established.

Page 86; PROTOCOL V: GUARANTEES ON IMPLEMENTATION OF THE AGREEMENT

Recognizing the unique potential of women to contribute to the healing, reconstruction and development of Burundian society,

1.4 Actions relating to refugees and to sinistrés

[...]

1.4.2 Actions for the resettlement and reintegration of refugees and sinistrés

[...]

1.4.3 Measures relating to the land issue

[...]

1.4.3.3 Principles and actions

[...]

1.4.4 Managerial and administrative measures

1.4.4.1 Establishment of a national fund for sinistrés

[...]

Page 109-18; ANNEX IV: REPORT OF COMMITTEE IV; Chapter II: Reconstruction

2.1 Introduction

[...]

2.1.2 Basic principles of reconstruction

[...]

2.1.3 The different aspects of reconstruction

[...]

2.2 Inventory of infrastructure

[...]

2.2.1 Housing

[...]

2.2.2 Water supply systems

[...]

2.2.3 Health facilities

[...]

2.2.4 Educational facilities

[...]

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[...]

2.3 The essential conditions for reconstruction

[...]

2.3.1 Security

[...]

2.3.2 A successful outcome of the peace process

[...]

2.3.3 A valid democratization process

[...]

2.3.4 Commitment on the part of the Burundian population and support from the international community

[...]

2.4 Physical reconstruction

[...]

2.5 Political reconstruction;

2.5.1 National reconciliation;

2.5.1.1 Reasons for reconciliation

[...]

2.5.1.2 A national reconciliation programme

[...]

2.5.1.3 Promotion of human rights and freedoms

[...]

2.5.1.4 Education for a culture of peace

[...]

2.5.2 The role of women in reconstruction

2.5.2.2 Tangible actions for the advancement of women

[...]

2.5.3 The justice system

[...]

2.5.4 Democratization

[...]

2.5.4.2 Measures in support of democratization

[...]

2.5.5 The National Assembly

[...]

2.5.5.2 Steps to be taken

[...]

2.5.6 Civil society

[...]

2.5.6.2 Support for civil society

[...]

2.5.7 Independent media

[...]

2.5.7.2 Measures to support independent media

[...]

2.5.8 Political parties

[...]

**Page 118-30; ANNEX IV: REPORT OF COMMITTEE IV; Chapter III:
Economic And Social Development**

3.1 Introduction

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[...]

3.2.1 Worsening Poverty

[...]

3.2.2 The Bleak Macroeconomic and Financial Picture

[...]

3.2.2.1 The budget

[...]

3.2.2.2 Inflation

[...]

3.2.2.3 Depletion of foreign currency reserves

[...]

3.2.2.4 Arrears in the repayment of external public debt

[...]

3.2.2.5 International co-operation

[...]

3.2.2.6 Economic reforms

[...]

3.2.3 The Economy From a Sectoral Perspective

3.2.3.1 The rural sector

[...]

3.2.3.2 The secondary and tertiary sectors

[...]

3.2.3.3 The social sector

[...]

3.2.4 Political and Institutional Framework 3.3 Constraints

[...]

3.3.1 A High Population Growth Rate

[...]

3.3.2 Low School Enrolment

[...]

3.3.3 A Weak Private Sector

[...]

3.3.4 The Country's Landlocked Status

[...]

3.3.5 A Low Volume of Exports

[...]

3.4 Targeted Objectives: Towards Sustainable Growth with Equity

[...]

3.5 Measures to be Taken

[...]

3.5.1 Macroeconomic and Financial Stabilization

3.5.1.1. A positive budget balance and reduction of the overall budget deficit

[...]

3.5.1.2 Monetary policy

[...]

3.5.2 Solving the Problem of Internal and External Public Debt

3.5.2.1 External public debt

[...]

3.5.2.2 Internal public debt

[...]

3.5.3 Structural Reform

[...]

3.5.4 A Sectoral Perspective

3.5.4.1 The rural sector

[...]

		<p>3.5.4.2 The private sector [...]</p> <p>3.5.4.3 The social sector</p> <p>3.5.4.3.1 Education [...]</p> <p>3.5.4.3.2 Health [...]</p> <p>3.5.4.3.3 Employment [...]</p> <p>3.5.4.3.4 The economic and social aspects of demobilization [...]</p> <p>3.5.5 Political and Institutional Framework</p> <p>3.5.5.1 Good governance [...]</p> <p>3.5.5.2 Court of Audit [...]</p> <p>3.5.5.3 Decentralization [...]</p> <p>3.6 The Role of Women in Development [...]</p> <p>3.7 The Role of Youth [...]</p> <p>3.8 Regional Integration [...]</p> <p>3.9 Development Financing [...]</p> <p>3.10 Equitable Sharing of the Benefits of Development [...]</p> <p>3.11 Implementation [...]</p> <p>General Conclusion [...]</p>
tr_cul	Cultural Heritage/ Protections	<p>Page 22; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT, PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS, CHAPTER II: SOLUTIONS; Article 7: Principles and measures relating to exclusion; Cultural principles and measures</p> <p>26. Education of the population, particularly of youth, in positive traditional cultural values such as solidarity, social cooperation, forgiveness and mutual tolerance, Ibanga (discretion and sense of responsibility), Ubupfasoni (respect for others and for oneself) and Ubuntu (humanism and character).</p> <p>27. Rehabilitation of the institution of Ubushingantahe.</p>
tr_fin	Financial Arrangements	<p>Page 20-21; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT, PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS; CHAPTER II: SOLUTIONS; Article 7: Principles and measures relating to exclusion</p> <p>Principles and measures relating to education</p>

12. Deliberate promotion of compulsory primary education that ensures gender parity through joint financial support from the State and the communes.

Principles and measures relating to the economy

21. Legislation and structures for combating financial crime and corruption (tax legislation, customs legislation, legislation on public markets, etc.).

**Page 29; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER I: CONSTITUTIONAL PRINCIPLES OF THE POST-
TRANSITION CONSTITUTION; Article 4: Political parties**

6. For the purposes of promoting democracy, a national law may authorize the financing of political parties on an equitable basis in proportion to the number of seats they hold in the National Assembly. Such financing may apply both to the functioning of the political parties and to electoral campaigns, and shall be transparent. The law shall define the types of subsidies, benefits and facilities that the State may grant political parties.

**Page 65; PROTOCOL III: PEACE AND SECURITY FOR ALL; CHAPTER
II: THE DEFENCE AND SECURITY FORCES; Article 15 Size of the
defence and security forces**

1. Size of the national defence force

(a) The following criteria shall be used to determine the strength of the national defence force:

[...]

(ii) The economic and financial resources of the country;

(iii) The budget allocated to the defence and security forces;

2. Size of the national police

(a) The following criteria shall be used to determine the strength of the national police:

[...]

(v) Economic resources;

[...]

(vii) Budgetary allocation.

**Page 78-79; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER I: REHABILITATION AND RESETTLEMENT OF REFUGEES
AND SINISTRES**

Article 4: Guidelines governing resettlement and integration:

The CNRS shall decide on the activities for the resettlement and integration of refugees and sinistrés in accordance with the priority plan taking into account the availability of resources, in order to achieve the following aims and objectives:

[...]

(h) To help returnees to recover the property and bank accounts left in Burundi before their exile and whose existence has been duly proven;

Article 5: Actions with regard to returnees in their country of asylum

The Government shall undertake the following actions with regard to returnees in their country of asylum:

(a) Helping returnees settle their disputes in their country of asylum relating notably to immovable property, bank accounts, social security, etc;

**Page 81; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER I: REHABILITATION AND RESETTLEMENT OF REFUGEES
AND SINISTRES; Article 9: National Fund for Sinistrés**

A National Fund for Sinistrés shall be established, and shall derive its funding from the national budget and from grants by bilateral and multilateral aid agencies or assistance from non-governmental organizations.

**Page 82-83; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER II: PHYSICAL AND POLITICAL RECONSTRUCTION**

Article 11. Reconstruction programme

1. The transitional Government shall initiate and finance, with the support of the international community, a programme of physical and political reconstruction that takes a comprehensive approach incorporating rehabilitation, peace-building, promotion of the rights and freedoms of the human person, economic growth and long-term development.
[...]

Article 12: Physical reconstruction

Physical reconstruction aims at assisting in the return of the refugees and sinistrés, as well as at the rebuilding of destroyed physical property. Physical reconstruction shall be conducted, transparently and equitably, in such a way as to:
[...]

(c) Solve the problems relating to the repayment of loans that some Burundians had borrowed from banks and financial institutions for which the object financed has been destroyed;

**Page 84; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER III: ECONOMIC AND SOCIAL DEVELOPMENT; Article 16.
Guidelines governing development**

In pursuit of these objectives, the Government shall follow the guidelines set out hereunder on the basis of the measures specified in the report of Committee IV (see Annex IV):

- (a) Working towards macro-economic and financial stabilization;
- (b) Attempting to solve the problem of external and domestic public debt;
- (d) Creation of an environment conducive to the expansion of the private sector;
- (e) Efforts to create new jobs and compliance with the criteria of equity and transparency in employment;
- (f) Ensuring good governance in the management of public affairs;
- (g) Rendering operational the Court of Audit established under the provisions of Chapter I of Protocol II to the Agreement;
- (k) Equitable apportionment of the benefits of development.

To achieve these objectives a number of measures should be taken, some of which will require a high degree of political will.

**Page 87-93; PROTOCOL V: GUARANTEES ON IMPLEMENTATION OF
THE AGREEMENT**

Article 3: Implementation Monitoring Committee

1. Role of the Implementation Monitoring Committee

The functions of the Implementation Monitoring Committee shall be to:
[...]

(g) Assist and support the transitional government in the diplomatic mobilization of the financial, material, technical and human resources required for the implementation of the Agreement;

Article 4: The Facilitator

The Facilitator shall continue in his role as moral guarantor, recourse authority and conciliation agent.

Article 7: Role of the international community

1. The involvement of the international community in the implementation of the Agreement is necessary, both as a moral and diplomatic guarantee and as a provider of technical, material and financial assistance.

2. In this respect, the Burundian Government shall immediately following the signature of the Agreement send formal requests to the countries and organizations agreed upon by the Parties inviting them to participate in and render their financial, technical and material support to the implementation of the Agreement as provided for in the relevant provisions of the present Protocol and of Protocols I, II, III and IV.

Article 9: Financial guarantees

Implementation of all the reforms and programmes contained in the Agreement will require financial support from donors. In this context, the Facilitator, in coordination with the Implementation Monitoring Committee and the transitional Government, shall take the necessary steps for a donors' conference to be convened to raise funds for the reconstruction of Burundi.

Page 108; ANNEX IV: REPORT OF COMMITTEE IV; Chapter I: Rehabilitation and Resettlement of Refugees and Sinistrés; 1.4 Actions relating to refugees and to sinistrés; 1.4.4 Managerial and administrative measures; 1.4.4.1 Establishment of a national fund for sinistrés

This fund, whose establishment is obviously desirable, will derive its funding from the national budget and from grants by bilateral and multilateral aid agencies or assistance from NGOs.

Page 109-13; ANNEX IV: REPORT OF COMMITTEE IV; Chapter II: Reconstruction

2.1.2 Basic principles of reconstruction

With respect to reconstruction, a number of basic principles can be cited:
[...]

The reconstruction programme must be conducted and carried out in accordance with a realistic timetable that essentially takes account of local capacities and external inputs of human, material and financial resources.

2.4 Physical reconstruction

Physical reconstruction has to do with the physical rebuilding of destroyed property. Burundi undertakes to finance this reconstruction with the aid of the international community. This exercise should be carried out transparently and equitably, in accordance with the following guidelines:

(a) Account shall be taken both of those who are being resettled or reintegrated and of those who are receiving them;

(b) Imbalances relating to public infrastructures, especially schools, should be corrected;

(c) Problems relating to the repayment of loans that some Burundians have borrowed from banks and financial institutions and for which the object financed has been destroyed must be solved. With the banks and financial institutions, the Government will look into the possibilities of reducing or eliminating interest payments or subsidizing interest rates as well as extending repayment periods for any persons in this situation;

(d) Infrastructures must be reconstructed and sound management of those rebuilt must be ensured. In the area of water supply, for instance, it will not be enough simply to rebuild the infrastructures; methods for their effective management and maintenance shall also be indicated;

(e) Human capital shall be considered an essential element of reconstruction;

(f) An environment conducive to reconstruction and the resumption of production activities shall be created and the macro- and micro-economic framework shall be improved. For example, the foreign exchange needed to import goods for reconstruction should be allocated and fiscal measures should be taken to help businesses whose property was destroyed resume their activities;

(g) The intervention capacity of the communes shall be enhanced;

(h) National solidarity: the cost of reconstruction is very high and the State shall invoke national solidarity by setting up a reconstruction fund whose resources will come from contributions from all economic agents.

Page 122-30; ANNEX IV: REPORT OF COMMITTEE IV; Chapter III: Economic And Social Development

3.4 Targeted objectives: towards sustainable growth with equity

The conflict in Burundi is partly the result of an inequitable distribution of the country's limited resources. The current imbalances must be corrected without delay, and the country must endeavour to achieve sustainable growth with equity. Principal objectives to be achieved in this area are to:

(a) Increase rural and urban household income: per capita GDP should increase and double within one generation;
[...]

3.5 Measures to be taken

3.5.1 Macroeconomic and financial stabilization

3.5.1.1. A positive budget balance and reduction of the overall budget deficit

Fiscal administration must be improved. In addition to existing measures, the publication of annual reports and corporate records should be made compulsory. As well, the tax base should be broadened and exemptions should be significantly reduced.

At the same time, spending should be cut, especially military spending as the security situation improves, wages should be brought under control, and spending on goods and services should be reduced.

Budget allocations should be based on the actual volume of resources available to the State. Extra-budgetary accounts should respect the principle of a unified budget, as recognized by law, and should be kept to a strict minimum.

If these steps are taken, the overall budget deficit will be reduced and excessive bank financing will be unnecessary. This will also enable the State to make payments on its internal and external arrears.

3.5.1.2 Monetary policy

Monetary policy must once again be independent. This is indispensable if inflation is to be reduced and Burundi's currency stabilized. Monetary financing of the budget deficit must be significantly reduced.

In the banking sector, bankruptcies are extremely harmful to the country because the State must inject large amounts of public funds to bail the failed banks out. In future, the required reserve ratio should be strictly maintained and penalties for bankruptcy stiffened.

3.5.2 Solving the problem of internal and external public debt

3.5.2.1 External public debt

As at 31 December 1999, Burundi's external public debt amounted to BuF 676 billion, or 156 per cent of GDP. Multilateral debt accounts for 86 per cent of all indebtedness, while debts to the World Bank and the ADB account for 57 per cent. These debts cannot be cancelled or rescheduled. To reduce the burden that external debt imposes on the economy, one or more countries that are willing to help Burundi repay its debts must be found. The Government must meet all the conditions required for cancellation or rescheduling of a significant portion of its external debt. Lastly, as Burundi has reached the limit of its borrowing capacity, the country should try to rely on grants rather than on loans.

3.5.2.2 Internal public debt

Internal public debt, which totalled BuF 22,064,000,000 in 1990, fell to BuF 11,673,500,000 in 1994, rising again to BuF 61,965,680,000 in 1999. Much of this debt is short-term debt, as it was contracted from banks and financial institutions in the form of one- to three- month treasury certificates.

Problems in repaying this short-term debt were already apparent in 1997, when the Government decided in the Finance Act that the treasury certificates should be consolidated over a five- year period, with a two-year deferment. The interest owed on this debt has become onerous, rising from BuF 1 billion in 1996 to 3 billion in 1999.

Appropriate measures must be taken to curb internal debts.

3.5.4 A sectoral perspective

3.5.4.1 The rural sector

The following package of measures is intended to raise rural household incomes:
[...]

3.5.4.2 The private sector

An environment conducive to private sector development must be created. To this end, the following measures are necessary:

(b) Relations between Government offices and the private sector must be improved. The training of certified public accountants should be encouraged so that these professionals can serve as an intermediary between taxpayers and the tax authorities;

(d) Attractive incentives should be developed to promote the national and international private sector, particularly by improving the investment code;

(g) Legislation governing the free trade zone should be improved and investment in the zone should be encouraged;

3.9 Development financing

Burundi has few financial resources available for development, and it will have to make a major effort to increase them. External financing will also have to be mobilized. Burundi must send out political and economic signals strong enough to encourage donors to make a major contribution. These signals have to do with the process of national reconciliation, a strong commitment to economic reform, and the proper management of public affairs.

Effective co-ordination of donor activities will be necessary if Burundi's reconstruction and development are to be successful.

3.10 Equitable sharing of the benefits of development

[...]

The Government must therefore set up an adequate framework to enable that the benefits of development are equitably distributed, particularly in the areas

	<p>of secondary and higher education, universal health care, employment and equal access to such financial resources as bank credits and public markets. It must also ensure that interest groups do not thwart its efforts to uphold the general welfare.</p> <p>3.11 Implementation</p> <p>For the implementation of the reconstruction and development measures, an Inter- Ministerial Reconstruction and Development Unit shall be created to which the Ministries of Planning, Finance and Reintegration shall second personnel. The Unit will receive support from the World Bank, UNDP, UNHCR, the European Commission and others. It will have the following mandate: [...]</p> <p>The three plans shall be submitted to the National Assembly for approval. They will be guided by the measures proposed by Committee IV (see above, chapters II and III) while adapting the priorities in response to developments in the situation and bearing in mind opportunities for financing. [...]</p>
<p>tj_dsm Dispute Settlement Mechanisms</p>	<p>Page 87; PROTOCOL V: GUARANTEES ON IMPLEMENTATION OF THE AGREEMENT; Article 3: Implementation Monitoring Committee</p> <p>A committee to follow up, monitor, supervise and coordinate the implementation of the Agreement, hereinafter referred to as the Implementation Monitoring Committee, shall be established.</p> <p>1. Role of the Implementation Monitoring Committee</p> <p>The functions of the Implementation Monitoring Committee shall be to: [...] (d) Reconcile points of view; (e) Arbitrate and rule on any dispute that may arise among the signatories; [...]</p>
<p>ia_ver Verification & Monitoring Mechanism</p>	<p>Page 68; PROTOCOL III: PEACE AND SECURITY FOR ALL; CHAPTER II THE DEFENCE AND SECURITY FORCES; Article 23. National, regional, and international environment</p> <p>4. National observatories shall be established on genocide, ethnic hegemony and domination, oppression and exclusion, coups d'état, political assassinations, arms trafficking and human rights violations in the Great Lakes region. The establishment of similar observatories at the regional and international levels shall be promoted.</p> <p>Page 87-89; PROTOCOL V: GUARANTEES ON IMPLEMENTATION OF THE AGREEMENT; Article 3: Implementation Monitoring Committee</p> <p>A committee to follow up, monitor, supervise and coordinate the implementation of the Agreement, hereinafter referred to as the Implementation Monitoring Committee, shall be established.</p> <p>1. Role of the Implementation Monitoring Committee</p> <p>The functions of the Implementation Monitoring Committee shall be to:</p> <p>(a) Follow up, monitor, supervise, coordinate and ensure the effective implementation of all the provisions of the Agreement; (b) Ensure that the implementation timetable is respected; (c) Ensure the accurate interpretation of the Agreement; (d) Reconcile points of view; (e) Arbitrate and rule on any dispute that may arise among the signatories;</p>

(f) Give guidance to and coordinate the activities of all the commissions and sub-commissions set up pursuant to each protocol for the purpose of implementing the Agreement. These commissions and sub-commissions shall include the following:

- The Technical Committee to implement the procedures for the establishment of a national defence force;
- The Technical Committee to implement the procedures for the establishment of the national police;
- The Ceasefire Commission;
- The Reintegration Commission;
- The National Commission for the Rehabilitation of Sinistrés;

(g) Assist and support the transitional government in the diplomatic mobilization of the financial, material, technical and human resources required for the implementation of the Agreement;

(h) Decide on the admission of new participating parties in accordance with article 14 of Protocol II to the Agreement;

(i) Perform any other duty specifically allocated to it by the Agreement.

2. Composition and structure of the Implementation Monitoring Committee

(a) The Implementation Monitoring Committee shall have the following composition:

- (i) Two representatives of the Parties;
- (ii) One representatives of the Government;
- (iii) Six Burundians designated for their moral integrity;
- (iv) Representatives of:
 - The United Nations;
 - The Organization of African Unity;
 - The regional Peace Initiative on Burundi;

(b) The Implementation Monitoring Committee shall be chaired by the representative of the United Nations, who shall act in consultation with the Government, the Organization of African Unity and the Regional Peace Initiative on Burundi;

(c) The Implementation Monitoring Committee shall be based in Bujumbura and shall have an Executive Council, to which it may delegate such of its powers as it deems appropriate;

(d) There shall be a secretariat to service the Implementation Monitoring Committee and the Executive Council.

3. Functioning and powers of the Implementation Monitoring Committee

(a) The Implementation Monitoring Committee shall begin its operations upon the appointment of its chairperson, and its mandate shall end when the Government elected during the transition period takes office. It shall draw up its own rules of procedure and work programme.

(b) The Implementation Monitoring Committee shall possess the requisite authority and decision-making powers to perform its functions impartially, neutrally and effectively.

(c) Decisions of the Implementation Monitoring Committee shall be taken by the Parties, by consensus or failing that by a four-fifths majority.

Page 6; Article 2

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Peacekeeping

3. The Parties pledge that in the event of belligerent parties spurning or refusing such an invitation and continuing their belligerent activities against the people of Burundi, or any section of them, the violent acts of such parties will be deemed to be constitute an attack on all the Parties comprising this national platform of the Burundian people, as well as on this endeavour to establish an inclusive democratic Burundian state. In such an event the Parties agree to call collectively, through the appropriate agencies including the Implementation Monitoring Committee, upon the Governments of neighbouring States, the international agencies which are guarantors of the

Agreement and other appropriate national and international bodies to take the necessary steps to prohibit, demobilize, disarm, and if necessary arrest, detain and repatriate, members of such armed groups, and further to take such steps as are appropriate against any Party which encourages or supports such activities.

Page 19; PROTOCOL I: NATURE OF THE BURUNDI CONFLICT, PROBLEMS OF GENOCIDE AND EXCLUSION AND THEIR SOLUTIONS; CHAPTER II: SOLUTIONS; Article 6: Principles and measures relating to genocide, war crimes and other crimes against humanity

Principles and measures in the area of justice

10. Request by the transitional Government for the establishment by the United Nations Security Council of an International Judicial Commission of Inquiry on genocide, war crimes and other crimes against humanity responsible for:

[...]

(d) Submitting its report to the United Nations Security Council;

(e) The Commission shall make use of all the reports that already exist on this subject, including the 1985 Whitaker report, the 1994 non-governmental organizations' report, the 1994-1994 report by ambassadors and the 1996 report of the United Nations International Commission of Inquiry.

11. Request by the Government of Burundi for the establishment by the United Nations Security Council of an international criminal tribunal to try and punish those responsible should the findings of the report point to the existence of acts of genocide, war crimes and other crimes against humanity.

Page 39-40; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE, CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 13: Duration of the transition

1. The transition period shall commence from the time that the conditions necessary for installing the transitional Government in accordance with the applicable instruments have been met, which shall be as soon as possible after three months, and in any event not later than six months, from the date of signature of the Agreement. The Implementation Monitoring Committee alone shall determine this date, and may bring it forward if it decides that the necessary conditions exist. Until the transition period commences, all parties shall meet their obligations under the Agreement to establish or co-operate in establishing the agreed legal and institutional framework. The Implementation Monitoring Committee, established as set forth in Protocol V, shall be the mechanism for guaranteeing compliance with the Agreement.

Page 42; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 15: Transitional institutions

7. If no duly adopted text has been certified and approved by referendum within 23 months of the commencement of the transition, the Implementation Monitoring Committee may instruct experts - either national or international - to prepare a text in conformity with Chapter I of the present Protocol. [...]

Page 49-52; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE; CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 22: Interim period

4. The transitional President and Vice-President shall within 60 days of the signature of the Agreement submit to the Implementation Monitoring Committee a list identifying the members of the Cabinet.

5. Starting one month after the signature of the Agreement, the Implementation Monitoring Committee shall continuously review whether the conditions for the installation of a transitional Government have been met, and may direct the Government or any Party or participating party to undertake any steps which would enable those conditions to be met. It alone shall fix the date on which

the transitional National Assembly and transitional Government shall be installed, and may postpone such date, provided the final date is not later than six months after the signature of the Agreement.

6. Between the date of signature of the Agreement and the installation of the transitional Government, the Government shall:

[...]

(d) Take the necessary steps, including the signing of international agreements, to facilitate the entry and deployment of observers and members of forces or security personnel as agreed in Protocol III to the Agreement.

[...]

10. No arrest of a returnee or refugee shall be permitted without notification and justification to the Implementation Monitoring Committee or a sub-committee or agency designated by it, and in any event no arrest or charging of a refugee or returnee or holder of political public office for a crime committed for a political purpose prior to the signature of the Agreement shall be permitted until the installation of the transitional Government.

11. The Implementation Monitoring Committee may request and shall receive from the transitional Government any information relating to governmental activities, any relevant data regarding governance or any information relating to or required for the monitoring, supervision or implementation of the Agreement, including information relating to any international financial assistance.

12. The Implementation Monitoring Committee shall assist in soliciting or obtaining any international or foreign aid or assistance contemplated by the Agreement. It may generally advise any donor and suggest conditionalities in regard to any aid or assistance to be granted to, or agreements to be concluded with, the Government of Burundi. For this purpose it shall be informed of the details of any international agreements to be concluded with, or foreign aid to be donated to, the Burundian Government.

13. The Implementation Monitoring Committee may, at its discretion and for purposes of supervising, monitoring or ensuring the implementation of the Agreement, issue directives to any Party or participating party. All parties shall comply with such directives within the period specified in the directive.

14. In the event that a Party or participating party fails to comply with a directive of the Implementation Monitoring Committee, the Committee may:

(a) Place the party on terms to comply;

(b) Failing compliance with such warning, and after offering the party an opportunity to explain its non-compliance, suspend such party from participating in the transitional arrangements;

(c) Request the appropriate assistance of any international body or State or Party in enforcing compliance.

[...]

Page 54; PROTOCOL III: PEACE AND SECURITY FOR ALL; CHAPTER I: PEACE AND SECURITY FOR ALL; Article 1: Principles of peace and security for all

4. Any foreign intervention other than under international conventions shall be prohibited. All recourse to foreign forces shall be prohibited, except when authorized by the institutions empowered to do so.

Page 70; PROTOCOL III: THE DEFENCE AND SECURITY FORCES; CHAPTER III: PERMANENT CEASEFIRE AND CESSATION OF HOSTILITIES; Article 25: Definitions

2. The cessation of hostilities shall involve:

[...]

(b) Cessation of hostilities shall be regulated and monitored through the committee to follow up, supervise, monitor and implement the Agreement (Implementation Monitoring Committee);

**Page 71; PROTOCOL III: THE DEFENCE AND SECURITY FORCES;
CHAPTER III: PERMANENT CEASEFIRE AND CESSATION OF
HOSTILITIES; Article 26: General principles**

1. The following principles are agreed upon:

[...]

(e) The parties shall establish a Joint Commission for Peace and Security, hereinafter referred to as the Ceasefire Commission, which shall be responsible for peace and security functions and shall work in close conjunction with a peacekeeping force following the entry into force of the Agreement;

(f) The laying of mines of any type shall be prohibited, and all parties shall be required to undertake to mark and signpost any danger areas to be identified to peacekeeping forces;

**Page 72-75; PROTOCOL III: THE DEFENCE AND SECURITY FORCES;
CHAPTER III: PERMANENT CEASEFIRE AND CESSATION OF
HOSTILITIES; Article 27: Verification and supervision**

1. Ceasefire Commission

(a) The Ceasefire Commission shall consist of representatives of the Government, the combatants of the political parties and movements, the United Nations, the Organization of African Unity and the Regional Peace Initiative for Burundi.

[...]

2. Re-deployment of all troops to quartering centres

[...]

(b) A map identifying the military quartering locations shall be made available to the Implementation Monitoring Committee.

5. International peacekeeping force

The mandate of the peacekeeping force referred to in article 8 of Protocol V to the Agreement shall be to verify implementation of the provisions contained in this Chapter. In addition to its verification function, the force may be requested by the Ceasefire Commission to provide assistance and support to the implementation process, as appropriate.

**Page 91-93; PROTOCOL V: GUARANTEES ON IMPLEMENTATION OF
THE AGREEMENT**

Article 5 Commissions

7. Ceasefire Commission

[...]

(g) Deployment and operations of the international peacekeeping force provided for in article 27, paragraph 5 of Protocol III to the Agreement shall commence as soon as possible after the establishment of the Ceasefire Commission. They shall be conducted in coordination and cooperation with the Ceasefire Commission.

(h) In performing their duties, the members of the Ceasefire Commission as well as those of the international peacekeeping and security force shall enjoy complete freedom of movement throughout the territory of Burundi.

Article 8: Peacekeeping

Immediately following the signature of the Agreement, the Burundian Government shall submit to the United Nations a request for an international peacekeeping force in conformity with and for the purposes set forth in article 27, paragraph 5 of Protocol III to the Agreement. Account must be taken of United Nations practice in this respect. This force shall be responsible inter alia for:

(a) Ensuring respect for the ceasefire;

(b) Supervising integration;

(c) Providing technical support for demobilization aid and training;

(d) Ensuring protection of the institutions and of any public figure who so wishes;

(e) Assisting in the establishment and training of an ethnically balanced special unit for the protection of the institutions.

Page 6; Article 2

3. The Parties pledge that in the event of belligerent parties spurning or refusing such an invitation and continuing their belligerent activities against the people of Burundi, or any section of them, the violent acts of such parties will be deemed to be constitute an attack on all the Parties comprising this national platform of the Burundian people, as well as on this endeavour to establish an inclusive democratic Burundian state. In such an event the Parties agree to call collectively, through the appropriate agencies including the Implementation Monitoring Committee, upon the Governments of neighbouring States, the international agencies which are guarantors of the Agreement and other appropriate national and international bodies to take the necessary steps to prohibit, demobilize, disarm, and if necessary arrest, detain and repatriate, members of such armed groups, and further to take such steps as are appropriate against any Party which encourages or supports such activities.

Page 6; Article 4

The Agreement shall be signed by the Parties. The Facilitator, the President of the Republic of Uganda as the Chairman of the Regional Peace Initiative on Burundi, the President of the Republic of Kenya as the region's elder statesman and the President of the United Republic of Tanzania as the host, and the representatives of the United Nations, the Organization of African Unity, the European Union and the Mwalimu Nyerere Foundation shall also affix their signatures hereto as witnesses and as an expression of their moral support for the peace process.

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International
Assistance &
Advice

**Page 46; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 17: Judicial and
administrative reforms**

10. International co-operation and legal assistance will be required by the transitional Government to assist it in improving and reforming the legal system. Foreign jurists, including former Burundian nationals living outside the country, shall be requested to assist in the reform of the judicial system. The transitional Government may appoint any such persons to judicial positions so as to promote confidence in the Judiciary.

**Page 50-51; PROTOCOL II: DEMOCRACY AND GOOD GOVERNANCE;
CHAPTER II: TRANSITIONAL ARRANGEMENTS; Article 22: Interim
period**

6. Between the date of signature of the Agreement and the installation of the transitional Government, the Government shall:

(a) Provide all necessary assistance and cooperation to international agencies, the political parties and the Implementation Monitoring Committee in regard to establishing structures and facilities and issuing the necessary documentation, including travel documents for all returning exiles, refugees and members of the armed groups as provided for in this and other protocols, as required by the international agencies or as directed by the Implementation Monitoring Committee;

[...]

11. The Implementation Monitoring Committee may request and shall receive from the transitional Government any information relating to governmental activities, any relevant data regarding governance or any information relating to or required for the monitoring, supervision or implementation of the Agreement, including information relating to any international financial assistance.

12. The Implementation Monitoring Committee shall assist in soliciting or obtaining any international or foreign aid or assistance contemplated by the Agreement. It may generally advise any donor and suggest conditionalities in regard to any aid or assistance to be granted to, or agreements to be concluded with, the Government of Burundi. For this purpose it shall be informed of the details of any international agreements to be concluded with, or foreign aid to be donated to, the Burundian Government.

14. In the event that a Party or participating party fails to comply with a directive of the Implementation Monitoring Committee, the Committee may:

[...]

(c) Request the appropriate assistance of any international body or State or Party in enforcing compliance.

Page 68; PROTOCOL III: PEACE AND SECURITY FOR ALL; CHAPTER II: THE DEFENCE AND SECURITY FORCES; Article 21: Demobilization

10. The international community shall be requested to assist in the process of demobilization.

Page 69; PROTOCOL III: PEACE AND SECURITY FOR ALL; CHAPTER II: THE DEFENCE AND SECURITY FORCES; Article 23: National, regional, and international environment

4. National observatories shall be established on genocide, ethnic hegemony and domination, oppression and exclusion, coups d'état, political assassinations, arms trafficking and human rights violations in the Great Lakes region. The establishment of similar observatories at the regional and international levels shall be promoted.

Page 72; PROTOCOL III: THE DEFENCE AND SECURITY FORCES; CHAPTER III: PERMANENT CEASEFIRE AND CESSATION OF HOSTILITIES; Article 27: Verification and supervision

1. Ceasefire Commission

(a) The Ceasefire Commission shall consist of representatives of the Government, the combatants of the political parties and movements, the United Nations, the Organization of African Unity and the Regional Peace Initiative for Burundi.

Page 77; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT; CHAPTER I: REHABILITATION AND RESETTLEMENT OF REFUGEES AND SINISTRES; Article 2: Principles governing return, resettlement and reintegration

1. The Government of Burundi shall encourage the return of refugees and sinistrés and resettle and reintegrate them. It shall seek the support of other countries and international and non-governmental organizations in carrying out this responsibility.

Page 78; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT; CHAPTER I: REHABILITATION AND RESETTLEMENT OF REFUGEES AND SINISTRES; Article 3. Preparatory activities

The Government shall undertake the following preparatory activities:

[...]

(c) Convening, in collaboration with the countries of asylum and the Office of the United Nations High Commissioner for Refugees, the Tripartite Commissioner, involving in it representatives of the refugees and international observers;

(d) Requesting international organizations and the host countries concerned to conduct a gender and age disaggregated census of the refugees, including the old caseload refugees (1972);

**Page 81; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER I: REHABILITATION AND RESETTLEMENT OF REFUGEES
AND SINISTRÉS; Article 9: National Fund for Sinistrés**

A National Fund for Sinistrés shall be established, and shall derive its funding from the national budget and from grants by bilateral and multilateral aid agencies or assistance from non-governmental organizations.

**Page 82; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER II: PHYSICAL AND POLITICAL RECONSTRUCTION; Article
11: Reconstruction programme**

1. The transitional Government shall initiate and finance, with the support of the international community, a programme of physical and political reconstruction that takes a comprehensive approach incorporating rehabilitation, peace-building, promotion of the rights and freedoms of the human person, economic growth and long-term development.

[...]

**Page 85; PROTOCOL IV: RECONSTRUCTION AND DEVELOPMENT;
CHAPTER III: ECONOMIC AND SOCIAL DEVELOPMENT; Article 17:
Implementation**

1. For the implementation of the reconstruction and development measures, an Inter-Ministerial Reconstruction and Development Unit shall be created to which the Ministries of Planning, Finance and Reintegration shall second personnel. Support for this Unit shall be sought from the World Bank, the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees, the European Commission and others. It shall have the following mandate:

(a) Preparation, within six weeks of the signing of the peace agreement, of an emergency reconstruction plan that will set the priorities for reconstruction and provide an initial estimate of costs. In preparing this plan, the National Commission for the Rehabilitation of Sinistrés shall be consulted and invited to submit proposals. This emergency plan shall also serve as the basis for discussion at a donor conference;

(b) Subsequently, preparation of a detailed reconstruction plan covering the transition period as set forth in Chapter II of Protocol II to the Agreement;

(c) At the same time, preparation of a medium- and long-term development plan.

2. The three plans shall be submitted to the National Assembly for approval. They will be guided by the measures proposed by Committee IV (see Annex IV, chapters II and III) while adapting the priorities in response to developments in the situation and bearing in mind opportunities for financing.

3. Donors will be involved in the work of the Unit, and may request an international auditing company to monitor all financial operations and accounts that may be established.

**Page 87-93; PROTOCOL V: GUARANTEES ON IMPLEMENTATION OF
THE AGREEMENT**

Article 3: Implementation Monitoring Committee

A committee to follow up, monitor, supervise and coordinate the implementation of the Agreement, hereinafter referred to as the Implementation Monitoring Committee, shall be established.

1. Role of the Implementation Monitoring Committee

The functions of the Implementation Monitoring Committee shall be to:

[...]

(f) Give guidance to and coordinate the activities of all the commissions and subcommissions set up pursuant to each protocol for the purpose of implementing the Agreement. These commissions and subcommissions shall include the following:

[...]

- The Reintegration Commission;

[...]

(g) Assist and support the transitional government in the diplomatic mobilization of the financial, material, technical and human resources required for the implementation of the Agreement;

2. Composition and structure of the Implementation Monitoring Committee

(a) The Implementation Monitoring Committee shall have the following composition:

[...]

(iv) Representatives of:

- The United Nations;

- The Organization of African Unity;

- The regional Peace Initiative on Burundi;

(b) The Implementation Monitoring Committee shall be chaired by the representative of the United Nations, who shall act in consultation with the Government, the Organization of African Unity and the Regional Peace Initiative on Burundi;

[...]

Article 4: The Facilitator

The Facilitator shall continue in his role as moral guarantor, recourse authority and conciliation agent.

Article 5: Commissions

8. Reintegration Commission

[...]

(b) The Reintegration Commission shall consist of representatives of the Government, the United Nations and the Organization of African Unity. It shall be chaired by the Government.

(c) The Reintegration Commission shall commence its activities on the day of its establishment. These activities must be completed before the commencement of the electoral process.

Article 7: Role of the international community

1. The involvement of the international community in the implementation of the Agreement is necessary, both as a moral and diplomatic guarantee and as a provider of technical, material and financial assistance.

2. In this respect, the Burundian Government shall immediately following the signature of the Agreement send formal requests to the countries and organizations agreed upon by the Parties inviting them to participate in and render their financial, technical and material support to the implementation of the Agreement as provided for in the relevant provisions of the present Protocol and of Protocols I, II, III and IV.

Article 8: Peacekeeping

Immediately following the signature of the Agreement, the Burundian Government shall submit to the United Nations a request for an international peacekeeping force in conformity with and for the purposes set forth in article 27, paragraph 5 of Protocol III to the Agreement. Account must be taken of United Nations practice in this respect. This force shall be responsible inter alia for:

[...]

Article 9: Financial guarantees

Implementation of all the reforms and programmes contained in the Agreement will require financial support from donors. In this context, the Facilitator, in coordination with the Implementation Monitoring Committee and the transitional Government, shall take the necessary steps for a donors' conference to be convened to raise funds for the reconstruction of Burundi.

**Page 103-08; ANNEX IV: REPORT OF COMMITTEE IV; Chapter I:
Rehabilitation And Resettlement of Refugees And Sinistrés**

1.2.5 Responsibility of the Government of Burundi

The Government of Burundi undertakes to resettle and reintegrate the returnees with the support of other countries, international organizations and NGOs.

1.4 Actions relating to refugees and to sinistrés

The following actions shall be taken in relation to refugees and sinistrés:

A National Commission for the Rehabilitation of Sinistrés (CNRS) will be created. It will have administrative and financial autonomy and will replace the National Repatriation Commission established by Legislative Decree No. 1/01 of 12 January 1991. The new commission will deal with the problems of all sinistrés. It will have the mandate of organizing and co-ordinating, with international organizations and asylum countries, the return of refugees and sinistrés. It will help them resettle and reintegrate and deal with all the other issues as set out in the following list of measures (1.4.2).

[...]

1.4.1 Preparatory actions for the settlement and reintegration of refugees

(a) UNHCR is requested to update the standard gender and age disaggregated census in the new camps. The Ministry of Internal Affairs of the Republic of The United Republic of Tanzania, with the support of UNHCR, is requested to organize, in the settlements of the old caseload refugees, a more specific census designed to identify the wishes and complaints of the refugees in these camps with respect to recovery of their abandoned land or alternative measures. This work will be supplemented on the one hand by visits to the settlements and on the other hand by seminars and conferences in which representatives of refugees will participate.

(b) UNHCR and the partner NGOs should provide for and organize information sessions for the refugees before and after the signing of the Agreement, so as to give them a good picture of developments in the political situation in Burundi in general, and of the state of advancement or implementation of the results of the Arusha negotiations in particular.

(c) UNHCR and the Government of Burundi should organize and enable refugees to undertake travel to Burundi, if it is regarded as necessary, so that they can see on the spot the prevailing situation and the reception mechanisms, in order to help them decide definitively on their return.

[...]

1.4.2 Actions for the resettlement and reintegration of refugees and sinistrés

The following actions to resettle and reintegrate refugees and sinistrés shall be taken. These actions will be decided upon by the National Commission for the Rehabilitation of Sinistrés, taking into account a framework of priorities and the availability of resources.

[...]

Reconstruction principles:

[...]

(g) Ensure equity in the distribution of resources between the ethnic groups on the one hand and the provinces on the other, and avoid overlap between the various partners or participants by co-ordinating resettlement and reconstruction activities at the government level with the support of UNDP;

1.4.4 Managerial and administrative measures

1.4.4.1 Establishment of a national fund for sinistrés

This fund, whose establishment is obviously desirable, will derive its funding from the national budget and from grants by bilateral and multilateral aid agencies or assistance from NGOs.

Page 111-13; ANNEX IV: REPORT OF COMMITTEE IV; Chapter II: Reconstruction

2.3 The essential conditions for reconstruction

[...]

2.3.4 Commitment on the part of the Burundian population and support from the international community

The reconstruction of Burundi must be supported from inside and outside the country. Mobilization of the Burundian people and support from the international community are essential in order to assemble the human, material and financial resources required for the reconstruction programmes. In order to reassure donors, it will ultimately be important to provide guarantees of good and equitable management of funds and their effective allocation for reconstruction activities.

2.4 Physical reconstruction

Physical reconstruction has to do with the physical rebuilding of destroyed property. Burundi undertakes to finance this reconstruction with the aid of the international community. This exercise should be carried out transparently and equitably, in accordance with the following guidelines:

[...]

Page 126-30; ANNEX IV: REPORT OF COMMITTEE IV; Chapter III: Economic And Social Development

3.5 Measures to be taken

[...]

3.5.4 A sectoral perspective

[...]

3.5.4.3 The social sector

[...]

3.5.4.3.4 The economic and social aspects of demobilization

[...]

The following principles must be observed when implementing economic measures and carrying out demobilization:

[...]

(b) Establishment of an agency responsible for demobilization at the national and regional levels that will also ensure coordination with donors;

3.9 Development financing

Burundi has few financial resources available for development, and it will have to make a major effort to increase them. External financing will also have to be mobilized. Burundi must send out political and economic signals strong enough to encourage donors to make a major contribution. These signals have to do with the process of national reconciliation, a strong commitment to economic reform, and the proper management of public affairs.

Effective co-ordination of donor activities will be necessary if Burundi's reconstruction and development are to be successful.

3.11 Implementation

For the implementation of the reconstruction and development measures, an Inter- Ministerial Reconstruction and Development Unit shall be created to which the Ministries of Planning, Finance and Reintegration shall second

personnel. The Unit will receive support from the World Bank, UNDP, UNHCR, the European Commission and others. It will have the following mandate:

(a) The preparation, within six weeks of the signing of the Agreement, of an emergency reconstruction plan that will set the priorities for reconstruction and provide an initial estimate of costs. In preparing this plan, the National Commission for the Rehabilitation of Sinistrés shall be consulted and invited to submit proposals. This emergency plan will also serve as the basis for discussion at a donor conference;

(b) Subsequently, the preparation of a detailed reconstruction plan covering the transition period as set forth in Protocol II to the Agreement;

(c) At the same time, preparation of a medium- and long-term development.

The three plans shall be submitted to the National Assembly for approval. They will be guided by the measures proposed by Committee IV (see above, chapters II and III) while adapting the priorities in response to developments in the situation and bearing in mind opportunities for financing.

Donors will be involved in the work of the Unit and may request an international auditing company to monitor all financial operations and accounts that may be established.

ACCORD DE RÉFORME ET DE CONCORDE CIVILE

Page 1-2; TITRE I - DISPOSITIONS GENERALES; Article 1

[...]

b) Les annexes comprennent:

(i) Texte de loi:

[...]

2. Loi sur la décentralisation et statut des régions.

Page 2-3; TITRE I - DISPOSITIONS GENERALES; Article 3

Des solutions et remèdes.

Les deux parties s'engagent à respecter les principes et à mettre en oeuvre les mesures générales ci-dessous.

[...]

d. Ces solutions nécessitent par ailleurs la mise en place d'une véritable décentralisation à même de garantir la participation de tous les citoyens à la chose publique et l'avènement d'une véritable démocratie locale (TITRE V).

Page 7-9; TITRE V - DECENTRALISATION

Article 18

Des Objectifs et de la Décentralisation.

Les deux parties conviennent des objectifs généraux de la décentralisation sur les plans:

ps_pol

Political Power-sharing

1) Politique = participation des citoyens par le biais de leurs élus locaux à la gestion et la valorisation de leur collectivité.

2) Administratif = mise en place d'une Administration plus efficiente car plus proche de ses administrés.

3) Économique = promouvoir des pôles de développement économiques en dehors de la capitale et réduire les disparités régionales.

Article 19

De l'État de la Décentralisation.

a. La décentralisation consacrée par la constitution, est conçue à Djibouti comme faisant partie intégrante du processus de démocratisation et de modernisation des structures administratives dans le cadre des réformes institutionnelles.

b. Les deux parties conviennent que seule une véritable décentralisation peut libérer les énergies individuelles et collectives capables de sortir les régions de leur actuel état d'abandon.

Article 20

Du cadre juridique.

Elles adoptent le projet de loi de décentralisation, annexé au présent Accord, comme loi organique fixant le cadre juridique de la décentralisation.

Article 21

Des niveaux de décentralisation.

a. Les deux parties s'entendent sur les niveaux de la décentralisation qui sont de l'ordre de deux, à savoir : la Région et la Commune.

b. Les deux parties ont accepté de mettre d'abord en place les régions et ultérieurement les Communes. Les 5 régions sont : Ali-Sabieh, Arta, Dikhil, Obock et Tadjourah. La capitale disposera d'un statut particulier.

Article 22

Commission Nationale de la Décentralisation.

a. Une commission de mise en place de la Décentralisation composée de douze membres (12) dont 3 représentants de chaque partie signataire de l'Accord-cadre de Réforme et de Concorde Civile susmentionnée est créée.

Elle est chargée de:

- Mettre en oeuvre la Décentralisation;
- Suivre la mise en place des institutions régionales et de la section de la Cour Judiciaire spécialisée dans le contentieux administratif et le contrôle des dépenses publiques ;
- Participer à la définition du contenu des textes législatifs et réglementaires prévus par la présente Loi et veille à leur mise en application.

Cette commission de pilotage se réunit tous les mois sous la présidence collégiale du Représentant de chacune des deux parties signataires de l'Accord-cadre de Réforme et de Concorde Civile jusqu'à ce que toutes les mesures nécessaires à la Décentralisation soient entrées en application.

Cette commission établit un rapport trimestriel public sur son activité.

Le mandat de cette commission durera jusqu'à la mise en place effective des Collectivités Régionales.

Un décret précisera les conditions et volumes des dotations financières octroyées par le pouvoir central aux régions décentralisées. Ces dotations devront correspondre aux besoins réels de chaque région et seront définies sur la base de critères objectifs.

ps_eco

Economic Power-sharing

ps_mil

Military Power-sharing

tj_amn

Amnesty

Page 3; TITRE II - PAIX CIVILE ET SECURITE; Article 5

Du désarmement et de la démobilisation.

tj_pri

Prisoner Release

a) Les échanges des prisonniers, l'arrêt des hostilités, le déminage et l'instauration de dialogue, étant des acquis tangibles, les deux parties conviennent, au plus tard, dans les 7 jours, après la signature du présent Accord procéder aux opérations de désarmement et démobilisation et ce en phases successives:

[...]

<p>tj_hum</p>	<p>Human Rights</p>	<p>Page 6; TITRE IV - REFORMES DEMOCRATIQUES; Article 13</p> <p>Des libertés publiques. [...] b. Les deux parties s'engagent à réaliser effectivement la protection des droits fondamentaux tels que proclamés dans la Déclaration Universelle des Droits de l'Homme et dans la Charté Africaine des Droits de l'Homme et des Peuples, et contenus dans le Préambule de la Constitution Djiboutienne du 15 Septembre 1992.</p>
<p>tj_min</p>	<p>Indigenous & Minority Rights</p>	
<p>tj_wom</p>	<p>Women's Rights & Gender Issues</p>	
<p>tj_civ</p>	<p>Civil & Political Rights</p>	<p>Page 6; TITRE IV - REFORMES DEMOCRATIQUES; Article 10</p> <p>De la nationalité. Les personnes dont l'appartenance à la communauté djiboutienne est vérifiable par tous les moyens peuvent prétendre à la citoyenneté djiboutienne. Pour ce faire, les deux parties s'engagent à mettre en place une commission ad hoc chargée d'accélérer la délivrance des cartes nationales d'identité à ces personnes.</p> <p>Page 6; TITRE IV - REFORMES DEMOCRATIQUES; Article 13</p> <p>Des libertés publiques.</p> <p>a. Les deux parties s'engagent à respecter les conventions ratifiées par la République de Djibouti et à tout mettre en oeuvre afin qu'une véritable liberté syndicale s'instaure. Tous les corps professionnels sont libres de s'organiser et de défendre leurs intérêts dans le respect des lois et règlements.</p> <p>Page 7; TITRE IV - REFORMES DEMOCRATIQUES; Article 14</p> <p>De la liberté de la presse.</p> <p>Les parties s'engagent à oeuvrer pour assurer la liberté de la presse conformément à la loi organique n°21/AN/92/2ème L du 15/09/92 telle qu'amendée dans ses articles 4, 60 et 63, relative à la liberté de communication, qui concilie le droit à l'information avec le droit à la vie privée et à l'ordre public.</p> <p>Page 7; TITRE IV - REFORMES DEMOCRATIQUES; Article 15</p> <p>De l'égalité de tous les citoyens.</p> <p>a. Les deux parties réaffirment leur attachement au principe de l'égalité de tous les citoyens, tel que défini par l'article 3 de la Constitution de Septembre 1992.</p>
<p>tj_esc</p>	<p>Economic, Social & Cultural Rights</p>	<p>Page 5; TITRE III - DE LA REHABILITATION ET DE LA RECONSTRUCTION; Article 9</p> <p>Des conséquences sur les civils.</p>

a) Les deux parties s'engagent à œuvrer pour que tous les civils victimes des conséquences de la guerre soient restaurés dans leurs biens et puissent retrouver leur cadre de vie.

b) Une indemnisation sera allouée aux victimes civiles dont les biens ont été détruits ou endommagés par la guerre.

[...]

Page 2; TITRE I - DISPOSITIONS GENERALES; Article 1

b) Les annexes comprennent:

[...]

(iii) Listes:

1. Liste des victimes civiles;
2. Liste des victimes du FRUD;
6. Liste des civils ayant perdu leurs biens durant le conflit.

Page 2-3; TITRE I - DISPOSITIONS GENERALES; Article 3

Des solutions et remèdes.

Les deux parties s'engagent à respecter les principes et à mettre en oeuvre les mesures générales ci-dessous.

[...]

b. Les remèdes aux conséquences du conflit requièrent la mise en oeuvre d'un vaste programme de réhabilitation et de reconstruction des zones principalement affectées par la guerre en indemnisant les victimes civiles et en restaurant les infrastructures publiques (TITRE III).

Page 4; TITRE II - PAIX CIVILE ET SECURITE; Article 7

Des ayants droits.

Les ayants droits des victimes du FRUD seront assistés.

[...]

Page 5; TITRE III - DE LA REHABILITATION ET DE LA RECONSTRUCTION; Article 8

Principes généraux.

[...]

b. Devant l'ampleur du chantier de la reconstruction nationale, les deux parties sont convenues d'accorder à ce chapitre une importance toute particulière et d'engager toutes les mesures appropriées visant à la réhabilitation des réfugiés et des déplacés, à l'indemnisation des particuliers dont les biens ont été détruits durant le conflit et à la reconstruction des infrastructures publiques.

Page 5; TITRE III - DE LA REHABILITATION ET DE LA RECONSTRUCTION; Article 9

Des conséquences sur les civils.

a) Les deux parties s'engagent à œuvrer pour que tous les civils victimes des conséquences de la guerre soient restaurés dans leurs biens et puissent retrouver leur cadre de vie.

b) Une indemnisation sera allouée aux victimes civiles dont les biens ont été détruits ou endommagés par la guerre.

[...]

tj_vic

Victims &
Reparations

tj_ref	Refugees & Internally Displaced Persons	<p>Page 5; TITRE III - DE LA REHABILITATION ET DE LA RECONSTRUCTION; Article 8</p> <p>Principes généraux. [...] b. Devant l'ampleur du chantier de la reconstruction nationale, les deux parties sont convenues d'accorder à ce chapitre une importance toute particulière et d'engager toutes les mesures appropriées visant à la réhabilitation des réfugiés et des déplacés, à l'indemnisation des particuliers dont les biens ont été détruits durant le conflit et à la reconstruction des infrastructures publiques.</p>
tj_tru	Truth & Reconciliation Commission	
tj_rec	Reconciliation	<p>Page 1; PREAMBULE</p> <p>* Conscient que la Paix, l'Égalité, la primauté du Droit, le Développement harmonieux, l'Unité et la Réconciliation nationales constituent les aspirations essentielles du Peuple djiboutien.</p> <p>Page 3; TITRE II - PAIX CIVILE ET SECURITE; Article 4</p> <p>De la Concorde civile.</p> <p>Les deux parties s'engagent à promouvoir l'instauration d'une culture de paix pour réaliser pleinement la fraternité et la réconciliation nationale afin que les tragédies passées ne se renouvellent pas.</p>
tj_pro	Protection Measures	<p>Page 6; TITRE IV - REFORMES DEMOCRATIQUES; Article 11</p> <p>Du conseil constitutionnel.</p> <p>Considérant l'importance du Conseil Constitutionnel, régulateur de la vie politique et protecteur des libertés fondamentales, les deux parties conviennent de réexaminer sa composition et son statut.</p> <p>Page 6; TITRE IV - REFORMES DEMOCRATIQUES; Article 13</p> <p>Des libertés publiques. [...] b. Les deux parties s'engagent à réaliser effectivement la protection des droits fondamentaux tels que proclamés dans la Déclaration Universelle des Droits de l'Homme et dans la Charté Africaine des Droits de l'Homme et des Peuples, et contenus dans le Préambule de la Constitution Djiboutienne du 15 Septembre 1992.</p> <p>Page 7; TITRE IV - REFORMES DEMOCRATIQUES; Article 17</p> <p>Droit à l'Éducation.</p> <p>a. Les deux parties souscrivent à la volonté, telle qu'affirmée au Titre V de l'Accord de paix de Décembre 1994, d'un soutien scolaire renforcé aux enfants des zones affectées par le conflit armé.</p> <p>b. Elles reconnaissent la nécessité de poursuivre ces efforts en direction des zones affectées par la guerre en matière éducative, par la réouverture des écoles fermées.</p>

tr_con	Constitutional Reform	
tr_leg	Legislative Branch Reform	
tr_exe	Executive Branch Reform	
tr_jud	Judiciary Reform	<p>Page 6; TITRE IV - REFORMES DEMOCRATIQUES; Article 11</p> <p>Du conseil constitutionnel.</p> <p>Considérant l'importance du Conseil Constitutionnel, régulateur de la vie politique et protecteur des libertés fondamentales, les deux parties conviennent de réexaminer sa composition et son statut.</p>
tr_adm	Public Administration Reform	<p>Page 2; TITRE I - DISPOSITIONS GENERALES; Article 1</p> <p>b) Les annexes comprennent: [...] (iii) Listes: [...] 4. Liste des fonctionnaires et conventionnés ayant perdu leur emploi du fait du conflit ou de leur engagement politique;</p> <p>Page 7; TITRE IV - REFORMES DEMOCRATIQUES; Article 15</p> <p>De l'égalité de tous les citoyens. [...]</p> <p>b. Les institutions civiles et militaires de la République refléteront équitablement, dans le respect des qualifications requises, par leur effectif encadrement et hiérarchie la pluralité de communautés composant le peuple Djiboutien.</p> <p>Page 7-8; TITRE V – DECENTRALISATION; Article 18</p> <p>Des Objectifs et de la Décentralisation.</p> <p>Les deux parties conviennent des objectifs généraux de la décentralisation sur les plans: [...] 2) Administratif = mise en place d'une Administration plus efficiente car plus proche de ses administrés.</p>
tr_mil	Military Reform	<p>Page 2; TITRE I - DISPOSITIONS GENERALES; Article 1</p> <p>b) Les annexes comprennent: [...] (iii) Listes: [...] 5. Liste des militaires, gendarmes et policiers radiés du fait du conflit;</p>

		<p>Page 2; TITRE I - DISPOSITIONS GENERALES; Article 3</p> <p>Des solutions et remèdes.</p> <p>Les deux parties s'engagent à respecter les principes et à mettre en oeuvre les mesures générales ci-dessous.</p> <p>a. Surtout, il conviendra que soit garantie une sécurité pour tous, par la lutte contre l'impunité des auteurs de crimes de toutes natures, d'exactions et de pillages, et par la démobilisation et des combattants du FRUD. Il s'agira de mettre sur pied des forces de défense, de sécurité et de police véritablement nationales et représentatives de toutes les composantes de la communauté nationale afin d'éviter à l'avenir toute dérive préjudiciable à l'Unité et la Nation (TITRE II).</p> <p>Page 4; TITRE II - PAIX CIVILE ET SECURITE; Article 5</p> <p>Du désarmement et de la démobilisation. [...] c) Les éléments du FRUD-Armé démobilisés bénéficient de l'intégration dans le corps de défense et de sécurité ou de l'insertion dans la vie sociale ou bien de l'indemnisation.</p>
tr_pol	Police Reform	<p>Page 2; TITRE I - DISPOSITIONS GENERALES; Article 1</p> <p>b) Les annexes comprennent: [...] (iii) Listes: [...] 5. Liste des militaires, gendarmes et policiers radiés du fait du conflit;</p> <p>Page 2; TITRE I - DISPOSITIONS GENERALES; Article 3</p> <p>Des solutions et remèdes.</p> <p>Les deux parties s'engagent à respecter les principes et à mettre en oeuvre les mesures générales ci-dessous.</p> <p>a. Surtout, il conviendra que soit garantie une sécurité pour tous, par la lutte contre l'impunité des auteurs de crimes de toutes natures, d'exactions et de pillages, et par la démobilisation et des combattants du FRUD. Il s'agira de mettre sur pied des forces de défense, de sécurité et de police véritablement nationales et représentatives de toutes les composantes de la communauté nationale afin d'éviter à l'avenir toute dérive préjudiciable à l'Unité et la Nation (TITRE II).</p>
tr_edu	Education Reform	<p>Page 7; TITRE IV - REFORMES DEMOCRATIQUES; Article 17</p> <p>Droit à l'Éducation.</p> <p>a. Les deux parties souscrivent à la volonté, telle qu'affirmée au Titre V de l'Accord de paix de Décembre 1994, d'un soutien scolaire renforcé aux enfants des zones affectées par le conflit armé.</p> <p>b. Elles reconnaissent la nécessité de poursuivre ces efforts en direction des zones affectées par la guerre en matière éducative, par la réouverture des écoles fermées.</p>
tr_med	Media Reform	<p>Page 6-7; TITRE IV - REFORMES DEMOCRATIQUES; Article 14</p> <p>De la liberté de la presse.</p> <p>Les parties s'engagent à oeuvrer pour assurer la liberté de la presse conformément à la loi organique n°21/AN/92/2ème L du 15/09/92 telle</p>

qu'amendée dans ses articles 4, 60 et 63, relative à la liberté de communication, qui concilie le droit à l'information avec le droit à la vie privée et à l'ordre public.

Page 2; TITRE I - DISPOSITIONS GENERALES; Article 1

b) Les annexes comprennent:

[...]

(iii) Listes:

[...]

3. Liste des cadres et combattants du FRUD à intégrer et/ou à démobiliser;

Page 3-4; TITRE II - PAIX CIVILE ET SECURITE; Article 5

Du désarmement et de la démobilisation.

a) Les échanges des prisonniers, l'arrêt des hostilités, le déminage et l'instauration de dialogue, étant des acquis tangibles, les deux parties conviennent, au plus tard, dans les 7 jours, après la signature du présent Accord procéder aux opérations de désarmement et démobilisation et ce en phases successives:

1) Regroupement des éléments FRUD-Armé à:
- RIPTA et Waddi (Districts Nord).

2) Désarmement et démobilisation des combattants du FRUD-Armé s'effectueront simultanément dans les points de regroupement convenus.

3) L'ensemble des opérations de désengagements, démobilisation et désarmement doit s'achever impérativement dans un délai de sept jours.

b) Les forces gouvernementales réintégreront leur position habituelle d'avant conflit dès lors que les opérations ci-dessus énumérées prendront fin. Elles doivent procéder au déminage avant leur repli de leurs anciens campements.

c) Les éléments du FRUD-Armé démobilisés bénéficient de l'intégration dans le corps de défense et de sécurité ou de l'insertion dans la vie sociale ou bien de l'indemnisation.

d) Pour la bonne gestion de ces opérations, une commission mixte sera mise en place.

Elle sera chargée de l'identification complète de chacun des combattants suivant le formulaire ci-joint fourni par l'Administration.

Elle sera chargée également du recensement physique des hommes et de leurs équipements de guerre (notamment armes individuelles et collectives) ainsi qu'à leur réception.

Au sein de cette commission mixte, une cellule chargée des opérations sanitaires et médicales sera mise en place.

Page 4; TITRE II - PAIX CIVILE ET SECURITE; Article 6

De l'intégration, réintégration, indemnisation et réinsertion.

a) Le passage des conflits à la paix durable implique le désarmement et la démobilisation.

b) Tout ancien fonctionnaire ou conventionné appartenant au FRUD-Armé sera réhabilité et réintégré dans son droit.

Pour le règlement de la situation des ex militaires, des ex gendarmes et des ex policiers figurant dans les mêmes cas; ils pourront selon leur statut respectif et leurs âges, prétendre à:

- Mise à la retraite;

- Rachat des annuités manquantes;

- Pécule;

tr_ddd

Demobilization,
Disarmament &
Reintegration

- Remboursement des cotisations.

Les conditions d'octroi de ces droits seront précisées ultérieurement par un décret.

Page 9-10; TITRE V - DISPOSITIONS FINALES; Article 25

Du calendrier.

a. Les procédures de démobilisation définies à l'article 6 du Présent Accord débuteront dès la signature du présent Accord et devront obligatoirement s'achever dans 15 jours.

b. Les diverses modalités d'intégration des éléments du FRUD signataire du présent Accord au sein de l'Armée Nationale, de la Gendarmerie, de la Force Nationale de Police, ainsi qu'au sein des différents services de l'Administrations seront déterminées huit (8) mois après la signature du présent Accord.

c. Les diverses modalités de la réintégration définie à l'article 6 du présent Accord seront terminées dans un délai de six (6) mois après la signature du présent Accord.

Page 3; TITRE I - DISPOSITIONS GENERALES; Article 3

Des solutions et remèdes.

Les deux parties s'engagent à respecter les principes et à mettre en oeuvre les mesures générales ci-dessous.

[...]

e. Conformément aux dispositions pertinentes de l'Accord-cadre du 07 Février 2000, les deux parties s'engagent à conduire le concert l'application des clauses du présent Accord dans le cadre d'un programme et d'un calendrier défini par les parties (TITRE VI).

Page 3; TITRE II - PAIX CIVILE ET SECURITE; Article 5

Du désarmement et de la démobilisation.

a) Les échanges des prisonniers, l'arrêt des hostilités, le déminage et l'instauration de dialogue, étant des acquis tangibles, les deux parties conviennent, au plus tard, dans les 7 jours, après la signature du présent Accord procéder aux opérations de désarmement et démobilisation et ce en phases successives:

1) Regroupement des éléments FRUD-Armé à:
- RIPTA et Waddi (Districts Nord).

2) Désarmement et démobilisation des combattants du FRUD-Armé s'effectueront simultanément dans les points de regroupement convenus.

3) L'ensemble des opérations de désengagements, démobilisation et désarmement doit s'achever impérativement dans un délai de sept jours.

Page 5; TITRE III - DE LA REHABILITATION ET DE LA RECONSTRUCTION; Article 8

Principes généraux.

[...]

c. Le programme de réhabilitation et de reconstruction déjà engagé depuis plusieurs années sera poursuivi jusqu'à son terme sur toute l'étendue du Territoire touchée par le conflit armé:

[...]

programme de construction et de réhabilitation de logement à Yoboki et à Obock devront se réaliser dans un délai raisonnable.

tr_tim

Transitional
Timeline

Page 6; TITRE IV - REFORMES DEMOCRATIQUES; Article 12

Du multipartisme.

a. Les deux parties conviennent qu'à l'expiration, le 03 Septembre 2002, de la durée d'application de la question référendaire relative à la limitation à quatre des partis politiques, l'article 6 de la Constitution de Septembre 1992 entrera ipso facto en vigueur.

Page 9-10; TITRE V - DISPOSITIONS FINALES; Article 25

Du calendrier.

a. Les procédures de démobilisation définies à l'article 6 du Présent Accord débuteront dès la signature du présent Accord et devront obligatoirement s'achever dans 15 jours.

b. Les diverses modalités d'intégration des éléments du FRUD signataire du présent Accord au sein de l'Armée Nationale, de la Gendarmerie, de la Force Nationale de Police, ainsi qu'au sein des différents services de l'Administrations seront déterminées huit (8) mois après la signature du présent Accord.

c. Les diverses modalités de la réintégration définie à l'article 6 du présent Accord seront terminées dans un délai de six (6) mois après la signature du présent Accord.

Page 6; TITRE IV - REFORMES DEMOCRATIQUES; Article 12

Du multipartisme.

a. Les deux parties conviennent qu'à l'expiration, le 03 Septembre 2002, de la durée d'application de la question référendaire relative à la limitation à quatre des partis politiques, l'article 6 de la Constitution de Septembre 1992 entrera ipso facto en vigueur.

b. Toutefois, le FRUD-Armé partie signataire de l'Accord sera tolérée en tant que parti politique, à mener des activités partisans.

Page 7; TITRE IV - REFORMES DEMOCRATIQUES; Article 16

Le contrôle des opérations électorales sur le plan national est assuré par une commission électorale nationale indépendante.
Un décret déterminera son fonctionnement et sa composition.

Page 2-3; TITRE I - DISPOSITIONS GENERALES; Article 3

Des solutions et remèdes.

Les deux parties s'engagent à respecter les principes et à mettre en oeuvre les mesures générales ci-dessous.
[...]

b. Les remèdes aux conséquences du conflit requièrent la mise en oeuvre d'un vaste programme de réhabilitation et de reconstruction des zones principalement affectées par la guerre en indemnisant les victimes civiles et en restaurant les infrastructures publiques (TITRE III).

c. Les solutions aux causes profondes du conflit nécessitent l'exercice réel des droits et des libertés, par l'adoption et la mise en oeuvre de réformes démocratiques tendant à instaurer dans la pratique un environnement institutionnel propice à une vie politique pacifiée et favorisant l'égalité d'accès à tous les citoyens sans distinction d'aucune sorte aux emplois civils et militaires ainsi qu'à toutes les politiques publiques tendant au développement économique, culturel et social de la Nation (TITRE IV).

tr_epr

Electoral & Political
Party Reform

tr_dev

Socio-Economic
Development

Page 5; TITRE III - DE LA REHABILITATION ET DE LA RECONSTRUCTION; Article 8

Principes généraux.

a. Soucieuses de contribuer à accélérer le développement économique du pays ainsi que son intégration régionale, les deux parties s'engagent à tout mettre en oeuvre pour remédier aux effets néfastes du conflit sur l'environnement macro économique.

b. Devant l'ampleur du chantier de la reconstruction nationale, les deux parties sont convenues d'accorder à ce chapitre une importance toute particulière et d'engager toutes les mesures appropriées visant à la réhabilitation des réfugiés et des déplacés, à l'indemnisation des particuliers dont les biens ont été détruits durant le conflit et à la reconstruction des infrastructures publiques.

c. Le programme de réhabilitation et de reconstruction déjà engagé depuis plusieurs années sera poursuivi jusqu'à son terme sur toute l'étendue du Territoire touchée par le conflit armé:

- par la mise en état des infrastructures;
- par la mise en état d'adduction d'eau ;
- programme de construction et de réhabilitation de logement à Yoboki et à Obock devront se réaliser dans un délai raisonnable.

Parallèlement aux programmes en cours de réalisation, le réaménagement du Port d'Obock sera entrepris à l'instar de celui de Tadjourah.

Dans le même cadre, le projet d'adduction d'eau à Day déjà entamé sur l'initiative du Gouvernement djiboutien, sera poursuivi.

[...]

Page 7-8; TITRE V – DECENTRALISATION; Article 18

Des Objectifs et de la Décentralisation.

Les deux parties conviennent des objectifs généraux de la décentralisation sur les plans:

[...]

3) Économique = promouvoir des pôles de développement économiques en dehors de la capitale et réduire les disparités régionales.

tr_cul

Cultural Heritage/
Protections

Page 5; TITRE III - DE LA REHABILITATION ET DE LA RECONSTRUCTION; Article 8

Principes généraux.

[...]

Un soutien financier international sera sollicité à cet effet.

tr_fin

Financial
Arrangements

Page 8-9; TITRE V – DECENTRALISATION; Article 22

Commission Nationale de la Décentralisation.

a. Une commission de mise en place de la Décentralisation composée de douze membres (12) dont 3 représentants de chaque partie signataire de l'Accord-cadre de Réforme et de Concorde Civile susmentionnée est créée. Elle est chargée de:

[...]

		<p>- Suivre la mise en place des institutions régionales et de la section de la Cour Judiciaire spécialisée dans le contentieux administratif et le contrôle des dépenses publiques; [...]</p> <p>Un décret précisera les conditions et volumes des dotations financières octroyées par le pouvoir central aux régions décentralisées. Ces dotations devront correspondre aux besoins réels de chaque région et seront définies sur la base de critères objectifs.</p>
tj_dsm	Dispute Settlement Mechanisms	
ia_ver	Verification & Monitoring Mechanism	
ia_pko	Peacekeeping	
ia_adv	International Assistance & Advice	<p>Page 4; TITRE II - PAIX CIVILE ET SECURITE; Article 6</p> <p>De l'intégration, réintégration, indemnisation et réinsertion. [...]</p> <p>c) Les deux parties conviennent de faire appel à la communauté internationale afin qu'elle apporte son assistance au processus de la démobilisation et de la réinsertion pour son financement dans le cadre de la prévention des conflits.</p> <p>Page 4-5; TITRE II - PAIX CIVILE ET SECURITE; Article 7</p> <p>Des ayants droits.</p> <p>Les ayants droits des victimes du FRUD seront assistés. Une aide financière extérieure sera sollicitée pour appliquer ce programme dans le cadre du renforcement du processus de paix et de la prévention des conflits.</p> <p>Page 5; TITRE III - DE LA REHABILITATION ET DE LA RECONSTRUCTION; Article 8</p> <p>Principes généraux. [...]</p> <p>Un soutien financier international sera sollicité à cet effet.</p> <p>Page 5; TITRE III - DE LA REHABILITATION ET DE LA RECONSTRUCTION; Article 9</p> <p>Des conséquences sur les civils. [...]</p> <p>c) Un soutien financier international sera sollicité à cet effet.</p>

Psge 9; TITRE V - DISPOSITIONS FINALES; Article 23

Principes généraux.

[...]

b. Elles conviennent d'associer les pays amis et organisations internationales à la consolidation de la Paix en sollicitant leur soutien financier et technique.

FRAMEWORK AGREEMENT (THE OHRID AGREEMENT)

Page 2; 4. Non-Discrimination and Equitable Representation

[...]

4.2. Laws regulating employment in public administration will include measures to assure equitable representation of communities in all central and local public bodies and at all levels of employment within such bodies, while respecting the rules concerning competence and integrity that govern public administration. The authorities will take action to correct present imbalances in the composition of the public administration, in particular through the recruitment of members of under-represented communities.

Particular attention will be given to ensuring as rapidly as possible that the police services will generally reflect the composition and distribution of the population of Macedonia, as specified in Annex C.

4.3 For the Constitutional Court, one-third of the judges will be chosen by the Assembly by a majority of the total number of Representatives that includes a majority of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia. This procedure also will apply to the election of the Ombudsman (Public Attorney) and the election of three of the members of the Judicial Council.

Page 2; 5. Special Parliamentary Procedures

5.1. On the central level, certain Constitutional amendments in accordance with Annex A and the Law on Local Self-Government cannot be approved without a qualified majority of two-thirds of votes, within which there must be a majority of the votes of Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

ps_pol

Political Power-sharing

5.2. Laws that directly affect culture, use of language, education, personal documentation, and use of symbols, as well as laws on local finances, local elections, the city of Skopje, and boundaries of municipalities must receive a majority of votes, within which there must be a majority of the votes of the Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

Page 5-7; ANNEX A: CONSTITUTIONAL AMENDMENTS

Article 69

[...]

(2) For laws that directly affect culture, use of language, education, personal documentation, and use of symbols, the Assembly makes decisions by a majority vote of the Representatives attending, within which there must be a majority of the votes of the Representatives attending who claim to belong to the communities not in the majority in the population of Macedonia. In the event of a dispute within the Assembly regarding the application of this provision, the Committee on Inter-Community Relations shall resolve the dispute.

Article 77

(1) The Assembly elects the Public Attorney by a majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

[...]

Article 78

(1) The Assembly shall establish a Committee for Inter-Community Relations.

(2) The Committee consists of seven members each from the ranks of the Macedonians and Albanians within the Assembly, and five members from among the Turks, Vlachs, Romanies and two other communities. The five members each shall be from a different community; if fewer than five other communities are represented in the Assembly, the Public Attorney, after consultation with relevant community leaders, shall propose the remaining members from outside the Assembly.

(3) The Assembly elects the members of the Committee.

(4) The Committee considers issues of inter-community relations in the Republic and makes appraisals and proposals for their solution.

(5) The Assembly is obliged to take into consideration the appraisals and proposals of the Committee and to make decisions regarding them.

(6) In the event of a dispute among members of the Assembly regarding the application of the voting procedure specified in Article 69(2), the Committee shall decide by majority vote whether the procedure applies.

Article 104

(1) The Republican Judicial Council is composed of seven members.

(2) The Assembly elects the members of the Council. Three of the members shall be elected by a majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

[...]

Article 109

[...]

(2) The Assembly elects six of the judges to the Constitutional Court by a majority vote of the total number of Representatives. The Assembly elects three of the judges by a majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

[...]

Article 114

[...]

(5) Local self-government is regulated by a law adopted by a two-thirds majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia. The laws on local finances, local elections, boundaries of municipalities, and the city of Skopje shall be adopted by a majority vote of the Representatives attending, within which there must be a majority of the votes of the Representatives attending who claim to belong to the communities not in the majority in the population of Macedonia.

Article 115

(1) In units of local self-government, citizens directly and through representatives participate in decision-making on issues of local relevance particularly in the fields of public services, urban and rural planning, environmental protection, local economic development, local finances, communal activities, culture, sport, social security and child care, education, health care and other fields determined by law.

Article 131

[...]

(4) A decision to amend the Preamble, the articles on local self-government, Article 131, any provision relating to the rights of members of communities, including in particular Articles 7, 8, 9, 19, 48, 56, 69, 77, 78, 86, 104 and 109, as well as a decision to add any new provision relating to the subject matter of such provisions and articles, shall require a two-thirds majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

Page 7-8; ANNEX B: LEGISLATIVE MODIFICATIONS

1. Law on Local Self-Government

The Assembly shall adopt within 45 days from the signing of the Framework Agreement a revised Law on Local Self-Government. This revised Law shall in no respect be less favorable to the units of local self-government and their autonomy than the draft Law proposed by the Government of the Republic of Macedonia in March 2001. The Law shall include competencies relating to the subject matters set forth in Section 3.1 of the Framework Agreement as additional independent competencies of the units of local self-government, and shall conform to Section 6.6 of the Framework Agreement. In addition, the Law shall provide that any State standards or procedures established in any laws concerning areas in which municipalities have independent competencies shall be limited to those which cannot be established as effectively at the local level; such laws shall further promote the municipalities independent exercise of their competencies.

2. Law on Local Finance

The Assembly shall adopt by the end of the term of the present Assembly a law on local self-government finance to ensure that the units of local self-government have sufficient resources to carry out their tasks under the revised Law on Local Self-Government. In particular, the law shall:

- Enable and make responsible units of local self-government for raising a substantial amount of tax revenue;
- Provide for the transfer to the units of local self-government of a part of centrally raised taxes that corresponds to the functions of the units of local self-government and that takes account of the collection of taxes on their territories; and
- Ensure the budgetary autonomy and responsibility of the units of local self-government within their areas of competence.

ps_eco Economic Power-sharing

Page 11; ANNEX C: IMPLEMENTATION AND CONFIDENCE-BUILDING MEASURES; 5. Non-Discrimination and Equitable Representation

[...]

5.2. The parties commit themselves to ensuring that the police services will by 2004 generally reflect the composition and distribution of the population of Macedonia. As initial steps toward this end, the parties commit to ensuring that 500 new police officers from communities not in the majority in the population of Macedonia will be hired and trained by July 2002, and that these officers will be deployed to the areas where such communities live. The parties further commit that 500 additional such officers will be hired and trained by July 2003, and that these officers will be deployed on a priority basis to the areas throughout Macedonia where such communities live. The parties invite the international community to support and assist with the implementation of these commitments, in particular through screening and selection of candidates and their training. The parties invite the OSCE, the European Union, and the United

ps_mil Military Power-sharing

		States to send an expert team as quickly as possible in order to assess how best to achieve these objectives.
tj_amn	Amnesty	
tj_pri	Prisoner Release	
tj_hum	Human Rights	<p>Page 4; ANNEX A: CONSTITUTIONAL AMENDMENTS; Preamble</p> <p>The citizens of the Republic of Macedonia [...] have decided to establish the Republic of Macedonia as an independent, sovereign state, with the intention of establishing and consolidating rule of law, guaranteeing human rights and civil liberties [...]</p> <p>Page 5; ANNEX A: CONSTITUTIONAL AMENDMENTS; Article 8</p> <p>(1) The fundamental values of the constitutional order of the Republic of Macedonia are:</p> <ul style="list-style-type: none"> - the basic freedoms and rights of the individual and citizen, recognized in international law and set down in the Constitution; [...]
tj_min	Indigenous & Minority Rights	<p>Page 1; 1. Basic Principles</p> <p>1.3. The multi-ethnic character of Macedonia's society must be preserved and reflected in public life.</p> <p>1.5. The development of local self-government is essential for encouraging the participation of citizens in democratic life, and for promoting respect for the identity of communities.</p> <p>Page 2; 4. Non-Discrimination and Equitable Representation</p> <p>4.3. For the Constitutional Court, one-third of the judges will be chosen by the Assembly by a majority of the total number of Representatives that includes a majority of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia. This procedure also will apply to the election of the Ombudsman (Public Attorney) and the election of three of the members of the Judicial Council.</p> <p>Page 2; 5. Special Parliamentary Procedures</p> <p>5.1. On the central level, certain Constitutional amendments in accordance with Annex A and the Law on Local Self-Government cannot be approved without a qualified majority of two-thirds of votes, within which there must be a majority of the votes of Representatives claiming to belong to the communities not in the majority in the population of Macedonia.</p> <p>5.2. Laws that directly affect culture, use of language, education, personal documentation, and use of symbols, as well as laws on local finances, local</p>

elections, the city of Skopje, and boundaries of municipalities must receive a majority of votes, within which there must be a majority of the votes of the Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

Page 2-3; 6. Education and Use of Languages

6.1. With respect to primary and secondary education, instruction will be provided in the students' native languages, while at the same time uniform standards for academic programs will be applied throughout Macedonia.

6.2. State funding will be provided for university level education in languages spoken by at least 20 percent of the population of Macedonia, on the basis of specific agreements.

6.3. The principle of positive discrimination will be applied in the enrolment in State universities of candidates belonging to communities not in the majority in the population of Macedonia until the enrolment reflects equitably the composition of the population of Macedonia.

6.5. Any other language spoken by at least 20 percent of the population is also an official language, as set forth herein. In the organs of the Republic of Macedonia, any official language other than Macedonian may be used in accordance with the law, as further elaborated in Annex B. Any person living in a unit of local self-government in which at least 20 percent of the population speaks an official language other than Macedonian may use any official language to communicate with the regional office of the central government with responsibility for that municipality; such an office will reply in that language in addition to Macedonian. Any person may use any official language to communicate with a main office of the central government, which will reply in that language in addition to Macedonian.

6.6. With respect to local self-government, in municipalities where a community comprises at least 20 percent of the population of the municipality, the language of that community will be used as an official language in addition to Macedonian. With respect to languages spoken by less than 20 percent of the population of the municipality, the local authorities will decide democratically on their use in public bodies.

6.7. In criminal and civil judicial proceedings at any level, an accused person or any party will have the right to translation at State expense of all proceedings as well as documents in accordance with relevant Council of Europe documents.

6.8. Any official personal documents of citizens speaking an official language other than Macedonian will also be issued in that language, in addition to the Macedonian language, in accordance with the law.

Page 3; 7. Expression of Identity

7.1. With respect to emblems, next to the emblem of the Republic of Macedonia, local authorities will be free to place on front of local public buildings emblems marking the identity of the community in the majority in the municipality, respecting international rules and usages.

Page 4; ANNEX A: CONSTITUTIONAL AMENDMENTS; Article 7

(2) Any other language spoken by at least 20 percent of the population is also an official language, written using its alphabet, as specified below.

(3) Any official personal documents of citizens speaking an official language other than Macedonian shall also be issued in that language, in addition to the Macedonian language, in accordance with the law.

(4) Any person living in a unit of local self-government in which at least 20 percent of the population speaks an official language other than Macedonian may use any official language to communicate with the regional office of the central government with responsibility for that municipality; such an office shall

reply in that language in addition to Macedonian. Any person may use any official language to communicate with a main office of the central government, which shall reply in that language in addition to Macedonian.

(5) In the organs of the Republic of Macedonia, any official language other than Macedonian may be used in accordance with the law.

(6) In the units of local self-government where at least 20 percent of the population speaks a particular language, that language and its alphabet shall be used as an official language in addition to the Macedonian language and the Cyrillic alphabet. With respect to languages spoken by less than 20 percent of the population of a unit of local self-government, the local authorities shall decide on their use in public bodies.

Page 5; ANNEX A: CONSTITUTIONAL AMENDMENTS; Article 19

(3) The Macedonian Orthodox Church, the Islamic Religious Community in Macedonia, the Catholic Church, and other Religious communities and groups are separate from the state and equal before the law.

(4) The Macedonian Orthodox Church, the Islamic Religious Community in Macedonia, the Catholic Church, and other Religious communities and groups are free to establish schools and other social and charitable institutions, by ways of a procedure regulated by law.

Page 5; ANNEX A: CONSTITUTIONAL AMENDMENTS; Article 48

(1) Members of communities have a right freely to express, foster and develop their identity and community attributes, and to use their community symbols.

(2) The Republic guarantees the protection of the ethnic, cultural, linguistic and religious identity of all communities.

(3) Members of communities have the right to establish institutions for culture, art, science and education, as well as scholarly and other associations for the expression, fostering and development of their identity.

(4) Members of communities have the right to instruction in their language in primary and secondary education, as determined by law. In schools where education is carried out in another language, the Macedonian language is also studied.

Page 5; ANNEX A: CONSTITUTIONAL AMENDMENTS; Article 56

(2) The Republic guarantees the protection, promotion and enhancement of the historical and artistic heritage of Macedonia and all communities in Macedonia and the treasures of which it is composed, regardless of their legal status. The law regulates the mode and conditions under which specific items of general interest for the Republic can be ceded for use.

Page 5; ANNEX A: CONSTITUTIONAL AMENDMENTS; Article 69

(2) For laws that directly affect culture, use of language, education, personal documentation, and use of symbols, the Assembly makes decisions by a majority vote of the Representatives attending, within which there must be a majority of the votes of the Representatives attending who claim to belong to the communities not in the majority in the population of Macedonia. [...]

Page 6; ANNEX A: CONSTITUTIONAL AMENDMENTS; Article 77

(1) The Assembly elects the Public Attorney by a majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

Page 6; ANNEX A: CONSTITUTIONAL AMENDMENTS; Article 78

- (1) The Assembly shall establish a Committee for Inter-Community Relations.
- (2) The Committee consists of seven members each from the ranks of the Macedonians and Albanians within the Assembly, and five members from among the Turks, Vlachs, Romanies and two other communities. The five members each shall be from a different community; if fewer than five other communities are represented in the Assembly, the Public Attorney, after consultation with relevant community leaders, shall propose the remaining members from outside the Assembly.

Page 6; ANNEX A: CONSTITUTIONAL AMENDMENTS; Article 86

- (2) The Security Council of the Republic is composed of the President of the Republic, the President of the Assembly, the Prime Minister, the Ministers heading the bodies of state administration in the fields of security, defence and foreign affairs and three members appointed by the President of the Republic. In appointing the three members, the President shall ensure that the Security Council as a whole equitably reflects the composition of the population of Macedonia.

Page 6; ANNEX A: CONSTITUTIONAL AMENDMENTS; Article 104

- (1) The Republican Judicial Council is composed of seven members.
- (2) The Assembly elects the members of the Council. Three of the members shall be elected by a majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

Page 7; ANNEX A: CONSTITUTIONAL AMENDMENTS; Article 109

- (1) The Constitutional Court of Macedonia is composed of nine judges.
- (2) The Assembly elects six of the judges to the Constitutional Court by a majority vote of the total number of Representatives. The Assembly elects three of the judges by a majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

Page 7; ANNEX A: CONSTITUTIONAL AMENDMENTS; Article 114

- (5) Local self-government is regulated by a law adopted by a two-thirds majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia. The laws on local finances, local elections, boundaries of municipalities, and the city of Skopje shall be adopted by a majority vote of the Representatives attending, within which there must be a majority of the votes of the Representatives attending who claim to belong to the communities not in the majority in the population of Macedonia.

Page 7; ANNEX A: CONSTITUTIONAL AMENDMENTS; Article 131

- (4) A decision to amend the Preamble, the articles on local self-government, Article 131, any provision relating to the rights of members of communities, including in particular Articles 7, 8, 9, 19, 48, 56, 69, 77, 78, 86, 104 and 109, as well as a decision to add any new provision relating to the subject matter of such provisions and articles, shall require a two-thirds majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

Page 10-11; ANNEX C IMPLEMENTATION AND CONFIDENCE-BUILDING MEASURES; 5. Non-Discrimination and Equitable Representation

5.1. Taking into account i.a. the recommendations of the already established governmental commission, the parties will take concrete action to increase the representation of members of communities not in the majority in Macedonia in public administration, the military, and public enterprises, as well as to improve their access to public financing for business development.

5.2. The parties commit themselves to ensuring that the police services will by 2004 generally reflect the composition and distribution of the population of Macedonia. As initial steps toward this end, the parties commit to ensuring that 500 new police officers from communities not in the majority in the population of Macedonia will be hired and trained by July 2002, and that these officers will be deployed to the areas where such communities live. The parties further commit that 500 additional such officers will be hired and trained by July 2003, and that these officers will be deployed on a priority basis to the areas throughout Macedonia where such communities live. [...]

Page 11; ANNEX C: IMPLEMENTATION AND CONFIDENCE-BUILDING MEASURES; 6. Culture, Education and Use of Languages

6.1. [...] The parties also invite the international community to increase professional media training programs for members of communities not in the majority in Macedonia. [...]

tj_wom

Women's Rights &
Gender Issues

Page 1; 1. Basic Principles

1.5. The development of local self-government is essential for encouraging the participation of citizens in democratic life, and for promoting respect for the identity of communities.

Page 5; ANNEX A: CONSTITUTIONAL AMENDMENTS; Article 8

(1) The fundamental values of the constitutional order of the Republic of Macedonia are:

- the basic freedoms and rights of the individual and citizen, recognized in international law and set down in the Constitution;
[...]

tj_civ

Civil & Political
Rights

Page 5; ANNEX A: CONSTITUTIONAL AMENDMENTS; Article 19

(1) The freedom of religious confession is guaranteed.

(2) The right to express one's faith freely and publicly, individually or with others is guaranteed.

(3) The Macedonian Orthodox Church, the Islamic Religious Community in Macedonia, the Catholic Church, and other Religious communities and groups are separate from the state and equal before the law.

(4) The Macedonian Orthodox Church, the Islamic Religious Community in Macedonia, the Catholic Church, and other Religious communities and groups are free to establish schools and other social and charitable institutions, by ways of a procedure regulated by law.

		<p>Page 5; ANNEX A: CONSTITUTIONAL AMENDMENTS; Article 19</p> <p>(4) The Macedonian Orthodox Church, the Islamic Religious Community in Macedonia, the Catholic Church, and other Religious communities and groups are free to establish schools and other social and charitable institutions, by ways of a procedure regulated by law.</p>
tj_esc	Economic, Social & Cultural Rights	<p>Page 5; ANNEX A: CONSTITUTIONAL AMENDMENTS; Article 48</p> <p>(1) Members of communities have a right freely to express, foster and develop their identity and community attributes, and to use their community symbols.</p> <p>(2) The Republic guarantees the protection of the ethnic, cultural, linguistic and religious identity of all communities.</p> <p>(3) Members of communities have the right to establish institutions for culture, art, science and education, as well as scholarly and other associations for the expression, fostering and development of their identity.</p> <p>(4) Members of communities have the right to instruction in their language in primary and secondary education, as determined by law. In schools where education is carried out in another language, the Macedonian language is also studied.</p>
tj_vic	Victims & Reparations	
tj_ref	Refugees & Internally Displaced Persons	<p>Page 11; ANNEX C: IMPLEMENTATION AND CONFIDENCE-BUILDING MEASURES; 3. Refugee Return, Rehabilitation and Reconstruction</p> <p>3.1. All parties will work to ensure the return of refugees who are citizens or legal residents of Macedonia and displaced persons to their homes within the shortest possible timeframe, and invite the international community and in particular UNHCR to assist in these efforts.</p>
tj_tru	Truth & Reconciliation Commission	
tj_rec	Reconciliation	
tj_pro	Protection Measures	<p>Page 1; 1. Basic Principles</p> <p>1.3. The multi-ethnic character of Macedonia's society must be preserved and reflected in public life.</p> <p>Page 5; ANNEX A: CONSTITUTIONAL AMENDMENTS; Article 48</p> <p>(2) The Republic guarantees the protection of the ethnic, cultural, linguistic and religious identity of all communities.</p> <p>Page 6; ANNEX A: CONSTITUTIONAL AMENDMENTS; Article 77</p>

(2) The Public Attorney protects the constitutional rights and legal rights of citizens when violated by bodies of state administration and by other bodies and organizations with public mandates. The Public Attorney shall give particular attention to safeguarding the principles of non-discrimination and equitable representation of communities in public bodies at all levels and in other areas of public life.

Page 1; 1. Basic Principles

1.4. A modern democratic state in its natural course of development and maturation must continually ensure that its Constitution fully meets the needs of all its citizens and comports with the highest international standards, which themselves continue to evolve.

Page 1; 3. Development of Decentralized Government

3.1. A revised Law on Local Self-Government will be adopted that reinforces the powers of elected local officials and enlarges substantially their competencies in conformity with the Constitution (as amended in accordance with Annex A) [...]

Page 3; 8. Implementation

8.1. The Constitutional amendments attached at Annex A will be presented to the Assembly immediately. The parties will take all measures to assure adoption of these amendments within 45 days of signature of this Framework Agreement.

Page 3; 9. Annexes

The following Annexes constitute integral parts of this Framework Agreement:

A. Constitutional Amendments

Page 4-7; ANNEX A: CONSTITUTIONAL AMENDMENTS

Article 7

1. The Macedonian language, written using its Cyrillic alphabet, is the official language throughout the Republic of Macedonia and in the international relations of the Republic of Macedonia.

2. Any other language spoken by at least 20 percent of the population is also an official language, written using its alphabet, as specified below.

3. Any official personal documents of citizens speaking an official language other than Macedonian shall also be issued in that language, in addition to the Macedonian language, in accordance with the law.

4. Any person living in a unit of local self-government in which at least 20 percent of the population speaks an official language other than Macedonian may use any official language to communicate with the regional office of the central government with responsibility for that municipality; such an office shall reply in that language in addition to Macedonian. Any person may use any official language to communicate with a main office of the central government, which shall reply in that language in addition to Macedonian.

5. In the organs of the Republic of Macedonia, any official language other than Macedonian may be used in accordance with the law.

6. In the units of local self-government where at least 20 percent of the population speaks a particular language, that language and its alphabet shall be used as an official language in addition to the Macedonian language and the Cyrillic alphabet. With respect to languages spoken by less than 20 percent

tr_con

Constitutional
Reform

of the population of a unit of local self-government, the local authorities shall decide on their use in public bodies.

Article 8

1. The fundamental values of the constitutional order of the Republic of Macedonia are:

- the basic freedoms and rights of the individual and citizen, recognized in international law and set down in the Constitution;
- equitable representation of persons belonging to all communities in public bodies at all levels and in other areas of public life;

[...]

Article 19

1. The freedom of religious confession is guaranteed.

2. The right to express one's faith freely and publicly, individually or with others is guaranteed.

3. The Macedonian Orthodox Church, the Islamic Religious Community in Macedonia, the Catholic Church, and other Religious communities and groups are separate from the state and equal before the law.

4. The Macedonian Orthodox Church, the Islamic Religious Community in Macedonia, the Catholic Church, and other Religious communities and groups are free to establish schools and other social and charitable institutions, by ways of a procedure regulated by law.

Article 48

1. Members of communities have a right freely to express, foster and develop their identity and community attributes, and to use their community symbols.

2. The Republic guarantees the protection of the ethnic, cultural, linguistic and religious identity of all communities.

3. Members of communities have the right to establish institutions for culture, art, science and education, as well as scholarly and other associations for the expression, fostering and development of their identity.

4. Members of communities have the right to instruction in their language in primary and secondary education, as determined by law. In schools where education is carried out in another language, the Macedonian language is also studied.

Article 56

[...]

(2) The Republic guarantees the protection, promotion and enhancement of the historical and artistic heritage of Macedonia and all communities in Macedonia and the treasures of which it is composed, regardless of their legal status. The law regulates the mode and conditions under which specific items of general interest for the Republic can be ceded for use.

Article 69

[...]

(2) For laws that directly affect culture, use of language, education, personal documentation, and use of symbols, the Assembly makes decisions by a majority vote of the Representatives attending, within which there must be a majority of the votes of the Representatives attending who claim to belong to the communities not in the majority in the population of Macedonia. In the event of a dispute within the Assembly regarding the application of this provision, the Committee on Inter-Community Relations shall resolve the dispute.

Article 77

1. The Assembly elects the Public Attorney by a majority vote of the total number of Representatives, within which there must be a majority of the votes

of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

2. The Public Attorney protects the constitutional rights and legal rights of citizens when violated by bodies of state administration and by other bodies and organizations with public mandates. The Public Attorney shall give particular attention to safeguarding the principles of non-discrimination and equitable representation of communities in public bodies at all levels and in other areas of public life.

[...]

Article 78

1. The Assembly shall establish a Committee for Inter-Community Relations.
2. The Committee consists of seven members each from the ranks of the Macedonians and Albanians within the Assembly, and five members from among the Turks, Vlachs, Romanies and two other communities. The five members each shall be from a different community; if fewer than five other communities are represented in the Assembly, the Public Attorney, after consultation with relevant community leaders, shall propose the remaining members from outside the Assembly.
3. The Assembly elects the members of the Committee.
4. The Committee considers issues of inter-community relations in the Republic and makes appraisals and proposals for their solution.
5. The Assembly is obliged to take into consideration the appraisals and proposals of the Committee and to make decisions regarding them.
6. In the event of a dispute among members of the Assembly regarding the application of the voting procedure specified in Article 69(2), the Committee shall decide by majority vote whether the procedure applies.

Article 84

The President of the Republic of Macedonia

[...]

– proposes the members of the Council for Inter-Ethnic Relations:

Article 86

1. The President of the Republic is President of the Security Council of the Republic of Macedonia.
2. The Security Council of the Republic is composed of the President of the Republic, the President of the Assembly, the Prime Minister, the Ministers heading the bodies of state administration in the fields of security, defence and foreign affairs and three members appointed by the President of the Republic. In appointing the three members, the President shall ensure that the Security Council as a whole equitably reflects the composition of the population of Macedonia.
3. The Council considers issues relating to the security and defence of the Republic and makes policy proposals to the Assembly and the Government.

Article 104

1. The Republican Judicial Council is composed of seven members.
 2. The Assembly elects the members of the Council. Three of the members shall be elected by a majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia.
- [...]

Article 109

1. The Constitutional Court of Macedonia is composed of nine judges.

2. The Assembly elects six of the judges to the Constitutional Court by a majority vote of the total number of Representatives. The Assembly elects three of the judges by a majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

[...]

Article 114

[...]

(5) Local self-government is regulated by a law adopted by a two-thirds majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia. The laws on local finances, local elections, boundaries of municipalities, and the city of Skopje shall be adopted by a majority vote of the Representatives attending, within which there must be a majority of the votes of the Representatives attending who claim to belong to the communities not in the majority in the population of Macedonia.

Article 115

(1) In units of local self-government, citizens directly and through representatives participate in decision-making on issues of local relevance particularly in the fields of public services, urban and rural planning, environmental protection, local economic development, local finances, communal activities, culture, sport, social security and child care, education, health care and other fields determined by law.

[...]

Article 131

(1) The decision to initiate a change in the Constitution is made by the Assembly by a two-thirds majority vote of the total number of Representatives.

(2) The draft amendment to the Constitution is confirmed by the Assembly by a majority vote of the total number of Representatives and then submitted to public debate.

(3) The decision to change the Constitution is made by the Assembly by a two-thirds majority vote of the total number of Representatives.

(4) A decision to amend the Preamble, the articles on local self-government, Article 131, any provision relating to the rights of members of communities, including in particular Articles 7, 8, 9, 19, 48, 56, 69, 77, 78, 86, 104 and 109, as well as a decision to add any new provision relating to the subject matter of such provisions and articles, shall require a two-thirds majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

(5) The change in the Constitution is declared by the Assembly.

Page 9; ANNEX B: LEGISLATIVE MODIFICATIONS

7. Rules of the Assembly

The Assembly shall amend by the end of the term of the present Assembly its Rules of Procedure to enable the use of the Albanian language in accordance with Section 6.5 of the Framework Agreement, paragraph 8 below, and the relevant amendments to the Constitution set forth in Annex A.

8. Laws Pertinent to the Use of Languages

The Assembly shall adopt by the end of the term of the present Assembly new legislation regulating the use of languages in the organs of the Republic of Macedonia. This legislation shall provide that:

- Representatives may address plenary sessions and working bodies of the Assembly in languages referred to in Article 7, paragraphs 1 and 2 of the Constitution (as amended in accordance with Annex A);
- Laws shall be published in the languages referred to in Article 7, paragraphs 1 and 2 of the Constitution (as amended in accordance with Annex A); and
- All public officials may write their names in the alphabet of any language referred to in Article 7, paragraphs 1 and 2 of the Constitution (as amended in accordance with Annex A) on any official documents. [...]

Page 2; 5. Special Parliamentary Procedures

5.1. On the central level, certain Constitutional amendments in accordance with Annex A and the Law on Local Self-Government cannot be approved without a qualified majority of two-thirds of votes, within which there must be a majority of the votes of Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

5.2. Laws that directly affect culture, use of language, education, personal documentation, and use of symbols, as well as laws on local finances, local elections, the city of Skopje, and boundaries of municipalities must receive a majority of votes, within which there must be a majority of the votes of the Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

Page 3; 8. Implementation

8.2. The legislative modifications identified in Annex B will be adopted in accordance with the timetables specified therein.

Page 3; 9. Annexes

The following Annexes constitute integral parts of this Framework Agreement:

B. Legislative Modifications

Page 5; ANNEX A CONSTITUTIONAL AMENDMENTS; Article 69

[...]

(2) For laws that directly affect culture, use of language, education, personal documentation, and use of symbols, the Assembly makes decisions by a majority vote of the Representatives attending, within which there must be a majority of the votes of the Representatives attending who claim to belong to the communities not in the majority in the population of Macedonia. [...]

Page 9-10; ANNEX B: LEGISLATIVE MODIFICATIONS

The parties will take all necessary measures to ensure the adoption of the legislative changes set forth hereafter within the time limits specified. [...]

7. Rules of the Assembly

The Assembly shall amend by the end of the term of the present Assembly its Rules of Procedure to enable the use of the Albanian language in accordance with Section 6.5 of the Framework Agreement, paragraph 8 below, and the relevant amendments to the Constitution set forth in Annex A.

8. Laws Pertinent to the Use of Languages

The Assembly shall adopt by the end of the term of the present Assembly new legislation regulating the use of languages in the organs of the Republic of Macedonia. This legislation shall provide that:

tr_leg Legislative Branch
 Reform

– Representatives may address plenary sessions and working bodies of the Assembly in languages referred to in Article 7, paragraphs 1 and 2 of the Constitution (as amended in accordance with Annex A);

– Laws shall be published in the languages referred to in Article 7, paragraphs 1 and 2 of the Constitution (as amended in accordance with Annex A); and

– All public officials may write their names in the alphabet of any language referred to in Article 7, paragraphs 1 and 2 of the Constitution (as amended in accordance with Annex A) on any official documents.

The Assembly also shall adopt by the end of the term of the present Assembly new legislation on the issuance of personal documents.

10. Other Laws

The Assembly shall enact all legislative provisions that may be necessary to give full effect to the Framework Agreement and amend or abrogate all provisions incompatible with the Framework Agreement.

tr_exe

Executive Branch
Reform

Page 2; 4. Non-Discrimination and Equitable Representation

4.3. For the Constitutional Court, one-third of the judges will be chosen by the Assembly by a majority of the total number of Representatives that includes a majority of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia. This procedure also will apply to the election of the Ombudsman (Public Attorney) and the election of three of the members of the Judicial Council.

Page 3; 6. Education and Use of Languages

6.7. In criminal and civil judicial proceedings at any level, an accused person or any party will have the right to translation at State expense of all proceedings as well as documents in accordance with relevant Council of Europe documents.

Page 6; ANNEX A CONSTITUTIONAL AMENDMENTS; Article 77

tr_jud

Judiciary Reform

(1) The Assembly elects the Public Attorney by a majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

Minority Participation & Minority Rights
Judicial System Reform

(2) The Public Attorney protects the constitutional rights and legal rights of citizens when violated by bodies of state administration and by other bodies and organizations with public mandates. The Public Attorney shall give particular attention to safeguarding the principles of non-discrimination and equitable representation of communities in public bodies at all levels and in other areas of public life.

[...]

Page 6; ANNEX A: CONSTITUTIONAL AMENDMENTS; Article 104

(1) The Republican Judicial Council is composed of seven members.

(2) The Assembly elects the members of the Council. Three of the members shall be elected by a majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of

Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

Page 7; ANNEX A: CONSTITUTIONAL AMENDMENTS; Article 109

(1) The Constitutional Court of Macedonia is composed of nine judges.

(2) The Assembly elects six of the judges to the Constitutional Court by a majority vote of the total number of Representatives. The Assembly elects three of the judges by a majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

[...]

Page 9; ANNEX B LEGISLATIVE MODIFICATIONS; 9. Law on the Public Attorney

The Assembly shall amend by the end of 2002 the Law on the Public Attorney as well as the other relevant laws to ensure:

- That the Public Attorney shall undertake actions to safeguard the principles of non-discrimination and equitable representation of communities in public bodies at all levels and in other areas of public life, and that there are adequate resources and personnel within his office to enable him to carry out this function;

- That the Public Attorney establishes decentralized offices;

- That the budget of the Public Attorney is voted separately by the Assembly;

- That the Public Attorney shall present an annual report to the Assembly and, where appropriate, may upon request present reports to the councils of municipalities in which decentralized offices are established; and

- That the powers of the Public Attorney are enlarged:

- To grant to him access to and the opportunity to examine all official documents, it being understood that the Public Attorney and his staff will not disclose confidential information;

- To enable the Public Attorney to suspend, pending a decision of the competent court, the execution of an administrative act, if he determines that the act may result in an irreparable prejudice to the rights of the interested person; and

- To give to the Public Attorney the right to contest the conformity of laws with the Constitution before the Constitutional Court.

Page 11; ANNEX C IMPLEMENTATION AND CONFIDENCE-BUILDING MEASURES; 5. Non-Discrimination and Equitable Representation

5.4. The parties invite the international community to assist in the training of lawyers, judges and prosecutors from members of communities not in the majority in Macedonia in order to be able to increase their representation in the judicial system.

tr_adm

Public
Administration
Reform

Page 2; 4. Non-Discrimination and Equitable Representation

4.1. The principle of non-discrimination and equal treatment of all under the law will be respected completely. This principle will be applied in particular with respect to employment in public administration and public enterprises, and access to public financing for business development.

4.2. Laws regulating employment in public administration will include measures to assure equitable representation of communities in all central and local public bodies and at all levels of employment within such bodies, while

respecting the rules concerning competence and integrity that govern public administration. The authorities will take action to correct present imbalances in the composition of the public administration, in particular through the recruitment of members of under-represented communities. Particular attention will be given to ensuring as rapidly as possible that the police services will generally reflect the composition and distribution of the population of Macedonia, as specified in Annex C.
[...]

Page 6; ANNEX A: CONSTITUTIONAL AMENDMENTS; Article 77

[...]
(2) The Public Attorney protects the constitutional rights and legal rights of citizens when violated by bodies of state administration and by other bodies and organizations with public mandates. The Public Attorney shall give particular attention to safeguarding the principles of non-discrimination and equitable representation of communities in public bodies at all levels and in other areas of public life.

Page 8; ANNEX B: LEGISLATIVE MODIFICATIONS; 4. Laws Pertaining to Police Located in the Municipalities

The Assembly shall adopt before the end of the term of the present Assembly provisions ensuring:

- That each local head of the police is selected by the council of the municipality concerned from a list of not fewer than three candidates proposed by the Ministry of the Interior, among whom at least one candidate shall belong to the community in the majority in the municipality. In the event the municipal council fails to select any of the candidates proposed within 15 days, the Ministry of the Interior shall propose a second list of not fewer than three new candidates, among whom at least one candidate shall belong to the community in the majority in the municipality. If the municipal council again fails to select any of the candidates proposed within 15 days, the Minister of the Interior, after consultation with the Government, shall select the local head of police from among the two lists of candidates proposed by the Ministry of the Interior as well as three additional candidates proposed by the municipal council;

[...]

- That a municipal council may adopt annually a report regarding matters of public safety, which shall be addressed to the Minister of the Interior and the Public Attorney (Ombudsman).

Page 8; ANNEX B: LEGISLATIVE MODIFICATIONS; 5. Laws on the Civil Service and Public Administration

The Assembly shall adopt by the end of the term of the present Assembly amendments to the laws on the civil service and public administration to ensure equitable representation of communities in accordance with Section 4.2 of the Framework Agreement.

Page 9; ANNEX B: LEGISLATIVE MODIFICATIONS; 8. Laws Pertinent to the Use of Languages

The Assembly shall adopt by the end of the term of the present Assembly new legislation regulating the use of languages in the organs of the Republic of Macedonia. This legislation shall provide that:

[...]

- All public officials may write their names in the alphabet of any language referred to in Article 7, paragraphs 1 and 2 of the Constitution (as amended in accordance with Annex A) on any official documents.

The Assembly also shall adopt by the end of the term of the present Assembly new legislation on the issuance of personal documents. The Assembly shall amend by the end of the term of the present Assembly all relevant laws to make their provisions on the use of languages fully compatible with Section 6 of the Framework Agreement.

Page 9; ANNEX B: LEGISLATIVE MODIFICATIONS; 9. Law on the Public Attorney

The Assembly shall amend by the end of 2002 the Law on the Public Attorney as well as the other relevant laws to ensure:

- That the Public Attorney shall undertake actions to safeguard the principles of non-discrimination and equitable representation of communities in public bodies at all levels and in other areas of public life, and that there are adequate resources and personnel within his office to enable him to carry out this function;
 - That the Public Attorney establishes decentralized offices;
 - That the budget of the Public Attorney is voted separately by the Assembly;
 - That the Public Attorney shall present an annual report to the Assembly and, where appropriate, may upon request present reports to the councils of municipalities in which decentralized offices are established; and
 - That the powers of the Public Attorney are enlarged:
 - To grant to him access to and the opportunity to examine all official documents, it being understood that the Public Attorney and his staff will not disclose confidential information;
 - To enable the Public Attorney to suspend, pending a decision of the competent court, the execution of an administrative act, if he determines that the act may result in an irreparable prejudice to the rights of the interested person; and
- [...]

Page 10; ANNEX C: IMPLEMENTATION AND CONFIDENCE-BUILDING MEASURES; 5. Non-Discrimination and Equitable Representation

5.1. Taking into account i.a. the recommendations of the already established governmental commission, the parties will take concrete action to increase the representation of members of communities not in the majority in Macedonia in public administration, the military, and public enterprises, as well as to improve their access to public financing for business development.

Page 6; ANNEX A: CONSTITUTIONAL AMENDMENTS; Article 86

(1) The President of the Republic is President of the Security Council of the Republic of Macedonia.

(2) The Security Council of the Republic is composed of the President of the Republic, the President of the Assembly, the Prime Minister, the Ministers heading the bodies of state administration in the fields of security, defence and foreign affairs and three members appointed by the President of the Republic. In appointing the three members, the President shall ensure that the Security Council as a whole equitably reflects the composition of the population of Macedonia.

(3) The Council considers issues relating to the security and defence of the Republic and makes policy proposals to the Assembly and the Government.

Page 10; ANNEX C: IMPLEMENTATION AND CONFIDENCE-BUILDING MEASURES; 5. Non-Discrimination and Equitable Representation

5.1. Taking into account i.a. the recommendations of the already established governmental commission, the parties will take concrete action to increase the representation of members of communities not in the majority in Macedonia in public administration, the military, and public enterprises, as well as to improve their access to public financing for business development.

tr_mil

Military Reform

Page 1-2; 3. Development of Decentralized Government

3.3. In order to ensure that police are aware of and responsive to the needs and interests of the local population, local heads of police will be selected by municipal councils from lists of candidates proposed by the Ministry of Interior, and will communicate regularly with the councils. The Ministry of Interior will retain the authority to remove local heads of police in accordance with the law.

Page 2; 4. Non-Discrimination and Equitable Representation

4.2. [...] Particular attention will be given to ensuring as rapidly as possible that the police services will generally reflect the composition and distribution of the population of Macedonia, as specified in Annex C.

Page 8; ANNEX B: LEGISLATIVE MODIFICATIONS; 4. Laws Pertaining to Police Located in the Municipalities

The Assembly shall adopt before the end of the term of the present Assembly provisions ensuring:

- That each local head of the police is selected by the council of the municipality concerned from a list of not fewer than three candidates proposed by the Ministry of the Interior, among whom at least one candidate shall belong to the community in the majority in the municipality. In the event the municipal council fails to select any of the candidates proposed within 15 days, the Ministry of the Interior shall propose a second list of not fewer than three new candidates, among whom at least one candidate shall belong to the community in the majority in the municipality. If the municipal council again fails to select any of the candidates proposed within 15 days, the Minister of the Interior, after consultation with the Government, shall select the local head of police from among the two lists of candidates proposed by the Ministry of the Interior as well as three additional candidates proposed by the municipal council;

- That each local head of the police informs regularly and upon request the council of the municipality concerned;

- That a municipal council may make recommendations to the local head of police in areas including public security and traffic safety; and [...]

Page 11; ANNEX C: IMPLEMENTATION AND CONFIDENCE-BUILDING MEASURES; 5. Non-Discrimination and Equitable Representation

5.2. The parties commit themselves to ensuring that the police services will by 2004 generally reflect the composition and distribution of the population of Macedonia. As initial steps toward this end, the parties commit to ensuring that 500 new police officers from communities not in the majority in the population of Macedonia will be hired and trained by July 2002, and that these officers will be deployed to the areas where such communities live. The parties further commit that 500 additional such officers will be hired and trained by July 2003, and that these officers will be deployed on a priority basis to the areas throughout Macedonia where such communities live. [...]

5.3. The parties also invite the OSCE, the European Union, and the United States to increase training and assistance programs for police, including: [...]

tr_pol

Police Reform

Page 2; 6. Education and Use of Languages

tr_edu

Education Reform

6.1. With respect to primary and secondary education, instruction will be provided in the students' native languages, while at the same time uniform standards for academic programs will be applied throughout Macedonia.

6.2. State funding will be provided for university level education in languages spoken by at least 20 percent of the population of Macedonia, on the basis of specific agreements.

	<p>6.3. The principle of positive discrimination will be applied in the enrolment in State universities of candidates belonging to communities not in the majority in the population of Macedonia until the enrolment reflects equitably the composition of the population of Macedonia.</p> <p>Page 5; ANNEX A CONSTITUTIONAL AMENDMENTS; Article 48</p> <p>(4) Members of communities have the right to instruction in their language in primary and secondary education, as determined by law. In schools where education is carried out in another language, the Macedonian language is also studied.</p> <p>Page 11; ANNEX C: IMPLEMENTATION AND CONFIDENCE-BUILDING MEASURES; 6. Culture, Education and Use of Languages</p> <p>6.2. The parties invite the international community to provide assistance for the implementation of the Framework Agreement in the area of higher education.</p>
<p>tr_med</p> <p>Media Reform</p>	<p>Page 11; ANNEX C: IMPLEMENTATION AND CONFIDENCE-BUILDING MEASURES; 6. Culture, Education and Use of Languages</p> <p>6.1. The parties invite the international community, including the OSCE, to increase its assistance for projects in the area of media in order to further strengthen radio, TV and print media, including Albanian language and multiethnic media. The parties also invite the international community to increase professional media training programs for members of communities not in the majority in Macedonia. The parties also invite the OSCE to continue its efforts on projects designed to improve inter-ethnic relations.</p>
<p>tr_ddd</p> <p>Demobilization, Disarmament & Reintegration</p>	<p>Page 1; 2. Cessation of Hostilities</p> <p>2.1. The parties underline the importance of the commitments of July 5, 2001. There shall be a complete cessation of hostilities, complete voluntary disarmament of the ethnic Albanian armed groups and their complete voluntary disbandment. They acknowledge that a decision by NATO to assist in this context will require the establishment of a general, unconditional and open-ended cease-fire, agreement on a political solution to the problems of this country, a clear commitment by the armed groups to voluntarily disarm, and acceptance by all the parties of the conditions and limitations under which the NATO forces will operate.</p>
<p>tr_tim</p> <p>Transitional Timeline</p>	<p>Page 3; 8. Implementation</p> <p>8.1. The Constitutional amendments attached at Annex A will be presented to the Assembly immediately. The parties will take all measures to assure adoption of these amendments within 45 days of signature of this Framework Agreement.</p> <p>8.2. The legislative modifications identified in Annex B will be adopted in accordance with the timetables specified therein.</p> <p>8.3. The parties invite the international community to convene at the earliest possible time a meeting of international donors that would address in particular macro-financial assistance; support for the financing of measures to be undertaken for the purpose of implementing this Framework Agreement, including measures to strengthen local self-government; and rehabilitation and reconstruction in areas affected by the fighting.</p> <p>Page 7-9; ANNEX B: LEGISLATIVE MODIFICATIONS</p> <p>The parties will take all necessary measures to ensure the adoption of the legislative changes set forth hereafter within the time limits specified.</p>

1. Law on Local Self-Government

The Assembly shall adopt within 45 days from the signing of the Framework Agreement a revised Law on Local Self-Government. This revised Law shall in no respect be less favorable to the units of local self-government and their autonomy than the draft Law proposed by the Government of the Republic of Macedonia in March 2001. [...]

3. Law on Municipal Boundaries

The Assembly shall adopt by the end of 2002 a revised law on municipal boundaries, taking into account the results of the census and the relevant guidelines set forth in the Law on Local Self-Government.

4. Laws Pertaining to Police Located in the Municipalities

The Assembly shall adopt before the end of the term of the present Assembly provisions ensuring:

- That each local head of the police is selected by the council of the municipality concerned from a list of not fewer than three candidates proposed by the Ministry of the Interior, among whom at least one candidate shall belong to the community in the majority in the municipality. In the event the municipal council fails to select any of the candidates proposed within 15 days, the Ministry of the Interior shall propose a second list of not fewer than three new candidates, among whom at least one candidate shall belong to the community in the majority in the municipality. If the municipal council again fails to select any of the candidates proposed within 15 days, the Minister of the Interior, after consultation with the Government, shall select the local head of police from among the two lists of candidates proposed by the Ministry of the Interior as well as three additional candidates proposed by the municipal council; [...]

5. Laws on the Civil Service and Public Administration

The Assembly shall adopt by the end of the term of the present Assembly amendments to the laws on the civil service and public administration to ensure equitable representation of communities in accordance with Section 4.2 of the Framework Agreement.

6. Law on Electoral Districts

The Assembly shall adopt by the end of 2002 a revised Law on Electoral Districts, taking into account the results of the census and the principles set forth in the Law on the Election of Members for the Parliament of the Republic of Macedonia.

7. Rules of the Assembly

The Assembly shall amend by the end of the term of the present Assembly its Rules of Procedure to enable the use of the Albanian language in accordance with Section 6.5 of the Framework Agreement, paragraph 8 below, and the relevant amendments to the Constitution set forth in Annex A.

8. Laws Pertinent to the Use of Languages

The Assembly shall adopt by the end of the term of the present Assembly new legislation regulating the use of languages in the organs of the Republic of Macedonia. This legislation shall provide that: [...]

The Assembly also shall adopt by the end of the term of the present Assembly new legislation on the issuance of personal documents.

The Assembly shall amend by the end of the term of the present Assembly all relevant laws to make their provisions on the use of languages fully compatible with Section 6 of the Framework Agreement.

9. Law on the Public Attorney

The Assembly shall amend by the end of 2002 the Law on the Public Attorney as well as the other relevant laws to ensure:
[...]

Page 10-11; ANNEX C: IMPLEMENTATION AND CONFIDENCE-BUILDING MEASURES

2. Census and Elections

2.1. The parties confirm the request for international supervision by the Council of Europe and the European Commission of a census to be conducted in October 2001.

2.2. Parliamentary elections will be held by 27 January 2002. International organizations, including the OSCE, will be invited to observe these elections.

3. Refugee Return, Rehabilitation and Reconstruction

3.2. The Government with the participation of the parties will complete an action plan within 30 days after the signature of the Framework Agreement for rehabilitation of and reconstruction in areas affected by the hostilities. The parties invite the international community to assist in the formulation and implementation of this plan.

5. Non-Discrimination and Equitable Representation

5.2. The parties commit themselves to ensuring that the police services will by 2004 generally reflect the composition and distribution of the population of Macedonia. As initial steps toward this end, the parties commit to ensuring that 500 new police officers from communities not in the majority in the population of Macedonia will be hired and trained by July 2002, and that these officers will be deployed to the areas where such communities live. The parties further commit that 500 additional such officers will be hired and trained by July 2003, and that these officers will be deployed on a priority basis to the areas throughout Macedonia where such communities live. [...]

Page 4; ANNEX A: CONSTITUTIONAL AMENDMENTS; Preamble

The citizens of the Republic of Macedonia, [...] and in this regard through their representatives in the Assembly of the Republic of Macedonia, elected in free and democratic elections, they adopt [...]

Page 9; ANNEX B: LEGISLATIVE MODIFICATIONS; 6. Law on Electoral Districts

The Assembly shall adopt by the end of 2002 a revised Law on Electoral Districts, taking into account the results of the census and the principles set forth in the Law on the Election of Members for the Parliament of the Republic of Macedonia.

Page 10; ANNEX C IMPLEMENTATION AND CONFIDENCE-BUILDING MEASURES; 2. Census and Elections

2.2. Parliamentary elections will be held by 27 January 2002. International organizations, including the OSCE, will be invited to observe these elections.

Page 1; 3. Development of Decentralized Government

3.1. [...] Enhanced competencies will relate principally to the areas of public services, urban and rural planning, environmental protection, local economic development, culture, local finances, education, social welfare, and health care. A law on financing of local self-government will be adopted to ensure an adequate system of financing to enable local governments to fulfill all of their responsibilities.

tr_epr

Electoral & Political
Party Reform

tr_dev

Socio-Economic
Development

Page 7; ANNEX A: CONSTITUTIONAL AMENDMENTS; Article 115

(1) In units of local self-government, citizens directly and through representatives participate in decision making on issues of local relevance particularly in the fields of public services, urban and rural planning, environmental protection, local economic development, local finances, communal activities, culture, sport, social security and child care, education, health care and other fields determined by law.

Page 10; ANNEX C: IMPLEMENTATION AND CONFIDENCE-BUILDING MEASURES; 3. Refugee Return, Rehabilitation and Reconstruction

3.2. The Government with the participation of the parties will complete an action plan within 30 days after the signature of the Framework Agreement for rehabilitation of and reconstruction in areas affected by the hostilities. The parties invite the international community to assist in the formulation and implementation of this plan.

3.3. The parties invite the European Commission and the World Bank to rapidly convene a meeting of international donors after adoption in the Assembly of the Constitutional amendments in Annex A and the revised Law on Local Self-Government to support the financing of measures to be undertaken for the purpose of implementing the Framework Agreement and its Annexes, including measures to strengthen local self-government and reform the police services, to address macro-financial assistance to the Republic of Macedonia, and to support the rehabilitation and reconstruction measures identified in the action plan identified in paragraph 3.2.

Page 10; ANNEX C: IMPLEMENTATION AND CONFIDENCE-BUILDING MEASURES; 5. Non-Discrimination and Equitable Representation

5.1. Taking into account i.a. the recommendations of the already established governmental commission, the parties will take concrete action to increase the representation of members of communities not in the majority in Macedonia in public administration, the military, and public enterprises, as well as to improve their access to public financing for business development.

Page 2; 5. Special Parliamentary Procedures

5.2. Laws that directly affect culture, use of language, education, personal documentation, and use of symbols, as well as laws on local finances, local elections, the city of Skopje, and boundaries of municipalities must receive a majority of votes, within which there must be a majority of the votes of the Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

Page 2-3; 6. Education and Use of Languages

6.1. With respect to primary and secondary education, instruction will be provided in the students' native languages, while at the same time uniform standards for academic programs will be applied throughout Macedonia.

6.2. State funding will be provided for university level education in languages spoken by at least 20 percent of the population of Macedonia, on the basis of specific agreements.

6.5. Any other language spoken by at least 20 percent of the population is also an official language, as set forth herein. In the organs of the Republic of Macedonia, any official language other than Macedonian may be used in accordance with the law, as further elaborated in Annex B. Any person living in a unit of local self-government in which at least 20 percent of the population speaks an official language other than Macedonian may use any official language to communicate with the regional office of the central government with responsibility for that municipality; such an office will reply in that language in addition to Macedonian. Any person may use any official language to communicate with a main office of the central government, which will reply in that language in addition to Macedonian.

tr_cul

Cultural Heritage/
Protections

6.6. With respect to local self-government, in municipalities where a community comprises at least 20 percent of the population of the municipality, the language of that community will be used as an official language in addition to Macedonian. With respect to languages spoken by less than 20 percent of the population of the municipality, the local authorities will decide democratically on their use in public bodies.

6.8. Any official personal documents of citizens speaking an official language other than Macedonian will also be issued in that language, in addition to the Macedonian language, in accordance with the law.

Page 3; 7. Expression of Identity

7.1. With respect to emblems, next to the emblem of the Republic of Macedonia, local authorities will be free to place on front of local public buildings emblems marking the identity of the community in the majority in the municipality, respecting international rules and usages.

Page 4-5; ANNEX A: CONSTITUTIONAL AMENDMENTS; Article 7

(2) Any other language spoken by at least 20 percent of the population is also an official language, written using its alphabet, as specified below.

(3) Any official personal documents of citizens speaking an official language other than Macedonian shall also be issued in that language, in addition to the Macedonian language, in accordance with the law.

(4) Any person living in a unit of local self-government in which at least 20 percent of the population speaks an official language other than Macedonian may use any official language to communicate with the regional office of the central government with responsibility for that municipality; such an office shall reply in that language in addition to Macedonian. Any person may use any official language to communicate with a main office of the central government, which shall reply in that language in addition to Macedonian.

(5) In the organs of the Republic of Macedonia, any official language other than Macedonian may be used in accordance with the law.

(6) In the units of local self-government where at least 20 percent of the population speaks a particular language, that language and its alphabet shall be used as an official language in addition to the Macedonian language and the Cyrillic alphabet. With respect to languages spoken by less than 20 percent of the population of a unit of local self government, the local authorities shall decide on their use in public bodies.

Page 5; ANNEX A: CONSTITUTIONAL AMENDMENTS

Article 48

(2) The Republic guarantees the protection of the ethnic, cultural, linguistic and religious identity of all communities.

(3) Members of communities have the right to establish institutions for culture, art, science and education, as well as scholarly and other associations for the expression, fostering and development of their identity.

(4) Members of communities have the right to instruction in their language in primary and secondary education, as determined by law. In schools where education is carried out in another language, the Macedonian language is also studied.

Article 56

[...]

(2) The Republic guarantees the protection, promotion and enhancement of the historical and artistic heritage of Macedonia and all communities in Macedonia and the treasures of which it is composed, regardless of their legal

status. The law regulates the mode and conditions under which specific items of general interest for the Republic can be ceded for use.

Article 69

[...]

(2) For laws that directly affect culture, use of language, education, personal documentation, and use of symbols, the Assembly makes decisions by a majority vote of the Representatives attending, within which there must be a majority of the votes of the Representatives attending who claim to belong to the communities not in the majority in the population of Macedonia. [...]

Page 9; ANNEX B: LEGISLATIVE MODIFICATIONS; 7. Rules of the Assembly

The Assembly shall amend by the end of the term of the present Assembly its Rules of Procedure to enable the use of the Albanian language in accordance with Section 6.5 of the Framework Agreement, paragraph 8 below, and the relevant amendments to the Constitution set forth in Annex A.

Page 9; ANNEX B: LEGISLATIVE MODIFICATIONS; 8. Laws Pertinent to the Use of Languages

The Assembly shall adopt by the end of the term of the present Assembly new legislation regulating the use of languages in the organs of the Republic of Macedonia. This legislation shall provide that:

- Representatives may address plenary sessions and working bodies of the Assembly in languages referred to in Article 7, paragraphs 1 and 2 of the Constitution (as amended in accordance with Annex A);
- Laws shall be published in the languages referred to in Article 7, paragraphs 1 and 2 of the Constitution (as amended in accordance with Annex A); and
- All public officials may write their names in the alphabet of any language referred to in Article 7, paragraphs 1 and 2 of the Constitution (as amended in accordance with Annex A) on any official documents.

The Assembly also shall adopt by the end of the term of the present Assembly new legislation on the issuance of personal documents.

The Assembly shall amend by the end of the term of the present Assembly all relevant laws to make their provisions on the use of languages fully compatible with Section 6 of the Framework Agreement.

Page 1; 3. Development of Decentralized Government

3.1. [...] Enhanced competencies will relate principally to the areas of public services, urban and rural planning, environmental protection, local economic development, culture, local finances, education, social welfare, and health care. A law on financing of local self-government will be adopted to ensure an adequate system of financing to enable local governments to fulfill all of their responsibilities.

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Financial
Arrangements

Page 8; ANNEX B: LEGISLATIVE MODIFICATIONS; 2. Law on Local Finance

The Assembly shall adopt by the end of the term of the present Assembly a law on local self-government finance to ensure that the units of local self-government have sufficient resources to carry out their tasks under the revised Law on Local Self-Government. In particular, the law shall:

- Enable and make responsible units of local self-government for raising a substantial amount of tax revenue;
- Provide for the transfer to the units of local self-government of a part of centrally raised taxes that corresponds to the functions of the units of local self-

government and that takes account of the collection of taxes on their territories; and

- Ensure the budgetary autonomy and responsibility of the units of local self-government within their areas of competence.

Page 9; ANNEX B LEGISLATIVE MODIFICATIONS; 9. Law on the Public Attorney

The Assembly shall amend by the end of 2002 the Law on the Public Attorney as well as the other relevant laws to ensure:

[...]

- That the budget of the Public Attorney is voted separately by the Assembly;

Page 10; ANNEX C: IMPLEMENTATION AND CONFIDENCE-BUILDING MEASURES; 3. Refugee Return, Rehabilitation and Reconstruction

3.3. The parties invite the European Commission and the World Bank to rapidly convene a meeting of international donors after adoption in the Assembly of the Constitutional amendments in Annex A and the revised Law on Local Self-Government to support the financing of measures to be undertaken for the purpose of implementing the Framework Agreement and its Annexes, including measures to strengthen local self-government and reform the police services, to address macro-financial assistance to the Republic of Macedonia, and to support the rehabilitation and reconstruction measures identified in the action plan identified in paragraph 3.2.

Page 10; ANNEX C: IMPLEMENTATION AND CONFIDENCE-BUILDING MEASURES; 4. Development of Decentralized Government

4.1. The parties invite the international community to assist in the process of strengthening local selfgovernment. The international community should in particular assist in preparing the necessary legal amendments related to financing mechanisms for strengthening the financial basis of municipalities and building their financial management capabilities, and in amending the law on the boundaries of municipalities.

Page 5; ANNEX A: CONSTITUTIONAL AMENDMENTS; Article 69

(2) For laws that directly affect culture, use of language, education, personal documentation, and use of symbols, the Assembly makes decisions by a majority vote of the Representatives attending, within which there must be a majority of the votes of the Representatives attending who claim to belong to the communities not in the majority in the population of Macedonia. In the event of a dispute within the Assembly regarding the application of this provision, the Committee on Inter-Community Relations shall resolve the dispute.

Page 6; ANNEX A: CONSTITUTIONAL AMENDMENTS; Article 78

(1) The Assembly shall establish a Committee for Inter-Community Relations.

(2) The Committee consists of seven members each from the ranks of the Macedonians and Albanians within the Assembly, and five members from among the Turks, Vlachs, Romanies and two other communities. The five members each shall be from a different community; if fewer than five other communities are represented in the Assembly, the Public Attorney, after consultation with relevant community leaders, shall propose the remaining members from outside the Assembly.

(3) The Assembly elects the members of the Committee.

(4) The Committee considers issues of inter-community relations in the Republic and makes appraisals and proposals for their solution.

tj_dsm

Dispute Settlement
Mechanisms

	<p>(5) The Assembly is obliged to take into consideration the appraisals and proposals of the Committee and to make decisions regarding them.</p> <p>(6) In the event of a dispute among members of the Assembly regarding the application of the voting procedure specified in Article 69(2), the Committee shall decide by majority vote whether the procedure applies.</p>
<p>ia_ver</p> <p>Verification & Monitoring Mechanism</p>	<p>Page 1; 3. Development of Decentralized Government</p> <p>3.2. Boundaries of municipalities will be revised within one year of the completion of a new census, which will be conducted under international supervision by the end of 2001. The revision of the municipal boundaries will be effectuated by the local and national authorities with international participation.</p> <p>Page 10; ANNEX C: IMPLEMENTATION AND CONFIDENCE-BUILDING MEASURES; 1. International Support</p> <p>1.1. The parties invite the international community to facilitate, monitor and assist in the implementation of the provisions of the Framework Agreement and its Annexes, and request such efforts to be coordinated by the EU in cooperation with the Stabilization and Association Council.</p> <p>Page 11, ANNEX C: IMPLEMENTATION AND CONFIDENCE-BUILDING MEASURES, 5. Non-Discrimination and Equitable Representation</p> <p>5.3. The parties also invite the OSCE, the European Union, and the United States to increase training and assistance programs for police, including: [...] - deployment as soon as possible of international monitors and police advisors in sensitive areas, under appropriate arrangements with relevant authorities.</p>
<p>ia_pko</p> <p>Peacekeeping</p>	<p>Page 1; 2. Cessation of Hostilities</p> <p>2.1. The parties underline the importance of the commitments of July 5, 2001. There shall be a complete cessation of hostilities, complete voluntary disarmament of the ethnic Albanian armed groups and their complete voluntary disbandment. They acknowledge that a decision by NATO to assist in this context will require the establishment of a general, unconditional and open-ended cease-fire, agreement on a political solution to the problems of this country, a clear commitment by the armed groups to voluntarily disarm, and acceptance by all the parties of the conditions and limitations under which the NATO forces will operate.</p> <p>Page 10; ANNEX C: IMPLEMENTATION AND CONFIDENCE-BUILDING MEASURES; 1. International Support</p> <p>1.1. The parties invite the international community to facilitate, monitor and assist in the implementation of the provisions of the Framework Agreement and its Annexes, and request such efforts to be coordinated by the EU in cooperation with the Stabilization and Association Council.</p> <p>Page 10; ANNEX C: IMPLEMENTATION AND CONFIDENCE-BUILDING MEASURES; 2. Census and Elections</p> <p>2.1. The parties confirm the request for international supervision by the Council of Europe and the European Commission of a census to be conducted in October 2001.</p> <p>2.2. Parliamentary elections will be held by 27 January 2002. International organizations, including the OSCE, will be invited to observe these elections.</p> <p>Page 11, ANNEX C: IMPLEMENTATION AND CONFIDENCE-BUILDING MEASURES, 5. Non-Discrimination and Equitable Representation</p>

5.2. [...] The parties invite the international community to support and assist with the implementation of these commitments, in particular through screening and selection of candidates and their training. The parties invite the OSCE, the European Union, and the United States to send an expert team as quickly as possible in order to assess how best to achieve these objectives.

5.3. The parties also invite the OSCE, the European Union, and the United States to increase training and assistance programs for police, including:

- professional, human rights, and other training;
- technical assistance for police reform, including assistance in screening, selection and promotion processes;
- development of a code of police conduct;
- cooperation with respect to transition planning for hiring and deployment of police officers from communities not in the majority in Macedonia; and
- deployment as soon as possible of international monitors and police advisors in sensitive areas, under appropriate arrangements with relevant authorities.

Page 1; 3. Development of Decentralized Government

3.2. Boundaries of municipalities will be revised within one year of the completion of a new census, which will be conducted under international supervision by the end of 2001. The revision of the municipal boundaries will be effectuated by the local and national authorities with international participation.

Page 3; 8. Implementation

8.3. The parties invite the international community to convene at the earliest possible time a meeting of international donors that would address in particular macro-financial assistance; support for the financing of measures to be undertaken for the purpose of implementing this Framework Agreement, including measures to strengthen local self government; and rehabilitation and reconstruction in areas affected by the fighting.

Page 10; ANNEX C IMPLEMENTATION AND CONFIDENCE-BUILDING MEASURES; 1. International Support

1.1. The parties invite the international community to facilitate, monitor and assist in the implementation of the provisions of the Framework Agreement and its Annexes, and request such efforts to be coordinated by the EU in cooperation with the Stabilization and Association Council.

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International
Assistance &
Advice

Page 10; ANNEX C: IMPLEMENTATION AND CONFIDENCE-BUILDING MEASURES; 2. Census and Elections

2.1. The parties confirm the request for international supervision by the Council of Europe and the European Commission of a census to be conducted in October 2001.

2.2. Parliamentary elections will be held by 27 January 2002. International organizations, including the OSCE, will be invited to observe these elections.

Page 10; ANNEX C: IMPLEMENTATION AND CONFIDENCE-BUILDING MEASURES; 3. Refugee Return, Rehabilitation and Reconstruction

3.1. All parties will work to ensure the return of refugees who are citizens or legal residents of Macedonia and displaced persons to their homes within the shortest possible timeframe, and invite the international community and in particular UNHCR to assist in these efforts.

3.2. The Government with the participation of the parties will complete an action plan within 30 days after the signature of the Framework Agreement for rehabilitation of and reconstruction in areas affected by the hostilities. The parties invite the international community to assist in the formulation and implementation of this plan.

3.3. The parties invite the European Commission and the World Bank to rapidly convene a meeting of international donors after adoption in the Assembly of the Constitutional amendments in Annex A and the revised Law on Local Self-Government to support the financing of measures to be undertaken for the purpose of implementing the Framework Agreement and its Annexes, including measures to strengthen local self-government and reform the police services, to address macro-financial assistance to the Republic of Macedonia, and to support the rehabilitation and reconstruction measures identified in the action plan identified in paragraph 3.2.

Page 10; ANNEX C IMPLEMENTATION AND CONFIDENCE-BUILDING MEASURES; 4. Development of Decentralized Government

4.1. The parties invite the international community to assist in the process of strengthening local selfgovernment. The international community should in particular assist in preparing the necessary legal amendments related to financing mechanisms for strengthening the financial basis of municipalities and building their financial management capabilities, and in amending the law on the boundaries of municipalities.

Page 11; ANNEX C: IMPLEMENTATION AND CONFIDENCE-BUILDING MEASURES; 5. Non-Discrimination and Equitable Representation

[...]

5.2. The parties commit themselves to ensuring that the police services will by 2004 generally reflect the composition and distribution of the population of Macedonia. As initial steps toward this end, the parties commit to ensuring that 500 new police officers from communities not in the majority in the population of Macedonia will be hired and trained by July 2002, and that these officers will be deployed to the areas where such communities live. The parties further commit that 500 additional such officers will be hired and trained by July 2003, and that these officers will be deployed on a priority basis to the areas throughout Macedonia where such communities live. The parties invite the international community to support and assist with the implementation of these commitments, in particular through screening and selection of candidates and their training. The parties invite the OSCE, the European Union, and the United States to send an expert team as quickly as possible in order to assess how best to achieve these objectives.

5.3. The parties also invite the OSCE, the European Union, and the United States to increase training and assistance programs for police, including:

- professional, human rights, and other training;
- technical assistance for police reform, including assistance in screening, selection and promotion processes;
- development of a code of police conduct;
- cooperation with respect to transition planning for hiring and deployment of police officers from communities not in the majority in Macedonia; and
- deployment as soon as possible of international monitors and police advisors in sensitive areas, under appropriate arrangements with relevant authorities.

5.4. The parties invite the international community to assist in the training of lawyers, judges and prosecutors from members of communities not in the majority in Macedonia in order to be able to increase their representation in the judicial system.

Page 11; ANNEX C: IMPLEMENTATION AND CONFIDENCE-BUILDING MEASURES; 6. Culture, Education and Use of Languages

6.1. The parties invite the international community, including the OSCE, to increase its assistance for projects in the area of media in order to further strengthen radio, TV and print media, including Albanian language and multiethnic media. The parties also invite the international community to increase professional media training programs for members of communities not in the majority in Macedonia. The parties also invite the OSCE to continue its efforts on projects designed to improve inter-ethnic relations.

6.2. The parties invite the international community to provide assistance for the implementation of the Framework Agreement in the area of higher education.

BOUGAINVILLE PEACE AGREEMENT

Page 16; BOUGAINVILLE PEACE AGREEMENT; B. AUTONOMY; 2: Boundaries

[...]

Page 17; BOUGAINVILLE PEACE AGREEMENT; B. AUTONOMY; 3: BOUGAINVILLE CONSTITUTION; Bougainville Constitution

[...]

11. The Bougainville Constitution will provide for the organisation and structures of the government for Bougainville under the autonomy arrangements ('the autonomous Bougainville Government') in a manner consistent with this Agreement.

12. Relations between the National Government and the autonomous Bougainville Government will be regulated in accordance with the National Constitution and will not be the subject of provision in the Bougainville Constitution except as specifically provided elsewhere in this Agreement.

Page 18; BOUGAINVILLE PEACE AGREEMENT; B. AUTONOMY; 3: BOUGAINVILLE CONSTITUTION; Constituent Assembly to Debate and Adopt Bougainville Constitution

18. The people of Bougainville, through a representative Constituent Assembly, will consider the draft Bougainville Constitution.

19. The Constituent Assembly will debate and may amend the draft Bougainville Constitution, and will adopt the Constitution in the manner set out in this clause.

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Political Power-sharing

Page 20; BOUGAINVILLE PEACE AGREEMENT; B. AUTONOMY; 4: STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT

28. The Bougainville Constitution will provide that the institutions of the autonomous Bougainville Government will include a legislature which shall be a mainly elected body, but may also include members appointed or elected to represent special interests, such as women, youth, churches.

Page 21; BOUGAINVILLE PEACE AGREEMENT; B. AUTONOMY; 4: STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT; Constitutional Office-holders

[...]

Page 22; BOUGAINVILLE PEACE AGREEMENT; B. AUTONOMY; 4: STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT

Appointments to Constitutional Office-holders and Heads of Services

43. The bodies established by or under the Bougainville Constitution to make appointments of Bougainville judges, other constitutional office-holders, and heads of the Bougainville Police and any body equivalent to the Correctional Institutional Services shall include two nominees of the National Government.
[...]

Bougainville Salaries and Remuneration Commission

45. (a) The National Salaries and Remuneration Commission will continue to recommend the salaries and other conditions of elected leaders, Constitutional officeholders and statutory heads appointed under the Bougainville

Constitution until and unless the autonomous Bougainville Government establishes its own Salaries and Remuneration Commission.

(b) The autonomous Bougainville Government will be represented on the National Commission when it deals with positions under the Bougainville Constitution.

Page 23; BOUGAINVILLE PEACE AGREEMENT; Part B. AUTONOMY; 5: DIVISION OF POWERS AND FUNCTIONS; TWO LIST SYSTEM FOR DIVIDING POWERS AND FUNCTIONS; Basis for Drafting Lists in Constitutional Laws

46. Powers and functions will be divided between the National Government and the autonomous Bougainville Government by allocation to two comprehensive lists.

47. Those lists will be as exhaustive as possible of known and identifiable powers and functions of government.

48. The parties may be required to further consult and agree on issues that arise during the drafting of the constitutional amendments relating to how particular powers are to be described and where particular aspects of powers and functions belong.

[...]

Page 23; BOUGAINVILLE PEACE AGREEMENT; B. AUTONOMY; 5: DIVISION OF POWERS AND FUNCTIONS; TWO LIST SYSTEM FOR DIVIDING POWERS AND FUNCTIONS; National Government List of Powers and Functions

50. Consistent with national sovereignty, the National Government will exercise powers and functions on the National Government list in relation to Papua New Guinea as a whole, including Bougainville.

51. The agreed National Government list is as follows:

- Defence;
- Foreign relations;
- Immigration;
- Highly migratory and straddling fish stocks;
- Central Banking;
- Currency;
- International civil aviation;
- International shipping
- International trade;
- Posts;
- Telecommunications;
- Powers required for direct implementation of the National Constitution, as amended in implementation of this Agreement (for example, citizenship, national elections);
- All other powers for which the National Government is responsible under other provisions of this Agreement.

Page 24; BOUGAINVILLE PEACE AGREEMENT; B. AUTONOMY; 5: DIVISION OF POWERS AND FUNCTIONS; Bougainville List of Powers and Functions

52. The list of powers and functions of the autonomous Bougainville Government will:

(a) include all known or identifiable powers not on the National Government list, beginning with the powers that have been available to provincial governments under the National Constitution;

(b) be developed during the drafting of the Constitutional Laws implementing this Agreement.

53. The Bougainville list will include the power to decide on foreign investment applications for Bougainville, and the autonomous Bougainville Government may establish its own administrative mechanism in relation to foreign investment matters for Bougainville.

Pages 24-25; BOUGAINVILLE PEACE AGREEMENT; B. AUTONOMY; 5: DIVISION OF POWERS AND FUNCTIONS; Subjects Not Now Known or Identified

57. Consistent with the agreed process for the transfer of powers, any subject not listed on either list will remain initially with the National Government, provided that:

(a) where either of the Governments wishes to legislate on a subject which is not clearly on either list, it will consult the other with a view to reaching agreement on which government should be responsible for the subject;

(b) if either Government passes a law on an unlisted subject, then the other may, if it disagrees, contest it through the agreed dispute settlement procedures;

(c) any dispute over which of the Governments is responsible for a power or function will be resolved by applying the principles governing the division of powers in this Agreement.

Page 25; BOUGAINVILLE PEACE AGREEMENT; B. AUTONOMY; 5: DIVISION OF POWERS AND FUNCTIONS; Transfer or Delegation of Powers and Functions

58. Either Government may, by agreement, transfer or delegate powers and functions, including financial powers and functions, to the other.

Page 26; BOUGAINVILLE PEACE AGREEMENT; B. AUTONOMY; 6: AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE

59. Powers and functions on the National Government list shall be exercised in relation to Bougainville in accordance with the arrangements set out in this Agreement.

Page 26; BOUGAINVILLE PEACE AGREEMENT; B. AUTONOMY; 6: AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE; a) DEFENCE; Maritime and Border Surveillance. Search and Rescue, Assistance in Natural Disasters, etc.

[...]

Page 28; BOUGAINVILLE PEACE AGREEMENT; B. AUTONOMY; 6: AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE, (b) FOREIGN RELATIONS, Regional Organisations

70. The National Executive Council may allow Bougainville to send a representative or observer to regional meetings and organisations.

71. The autonomous Bougainville Government may nominate a representative to be included in National Government delegations to regional meetings and organisations of clear special interest to Bougainville.

72. The autonomous Bougainville Government will meet any additional costs arising from its participation.

Page 28; BOUGAINVILLE PEACE AGREEMENT; B. AUTONOMY; 6: AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE, (b) FOREIGN RELATIONS, International Agreements - Bougainville's Role

73. The autonomous Bougainville Government may request the National Government's assistance or concurrence through an agreed mechanism for the autonomous Bougainville Government to participate or engage directly in the negotiation of international agreements of particular relevance to Bougainville.

74. The autonomous Bougainville Government will respect the National Government's authority regarding international agreements.

Page 28; BOUGAINVILLE PEACE AGREEMENT; B. AUTONOMY; 6: AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE; (b) FOREIGN RELATIONS, Future Treaties

75. An international agreement negotiated or signed with a purpose of altering the agreed autonomy arrangements will take effect only with the agreement of both the National Government and the autonomous Bougainville Government.

76. If a disagreement arises between the National Government and the autonomous Bougainville Government as to whether an international agreement has been negotiated or signed with such a purpose, the matter will be resolved through the agreed dispute resolution procedures.

Page 32; BOUGAINVILLE PEACE AGREEMENT; B. AUTONOMY; 7: TRANSFER OF POWERS AND FUNCTIONS; (a) PROCESS FOR TRANSFER, Initiating Transfers

101. Powers and functions will be transferred from the National Government to the autonomous Bougainville Government, which will initiate the process, taking full account of needs and capacity, by notifying and consulting the National Government in advance.

Page 32; BOUGAINVILLE PEACE AGREEMENT; B. AUTONOMY; 7: TRANSFER OF POWERS AND FUNCTIONS; (a) PROCESS FOR TRANSFER, Initial Powers and Functions

102. The autonomous Bougainville Government will be established with at least the same powers and functions as the Bougainville Interim Provincial Government.

103. The Bougainville Interim Provincial Government will give the National Government reasonable advance notice of any powers or functions to be transferred or institutions to be established by or under the Bougainville Constitution in the first twelve months after the establishment of the autonomous Bougainville Government. Notice of Additional Transfers

104. The autonomous Bougainville Government will give the National Government at least twelve months notice of its intention to seek the transfer of any additional power or function.

Pages 32-33; BOUGAINVILLE PEACE AGREEMENT; B. AUTONOMY; 7: TRANSFER OF POWERS AND FUNCTIONS; (a) PROCESS FOR TRANSFER; Implementation

105. (a) Closely linked powers and functions will be transferred together.
(b) Any differences over such links or transfers will be resolved through the agreed dispute resolution procedure.

106. National laws will continue to apply in Bougainville until replaced by Bougainville laws.

107. If the capacity or economic circumstances affecting the resources necessary for a transfer of a power or function are such as to prevent effective exercise of that power or function, then the National Government and the autonomous Bougainville Government will consult with a view to preparing an agreed plan for overcoming any difficulties.

108. If differences arise in reaching agreement, implementing a plan, or as to whether the capacity or circumstances should delay the transfer, then either Government may seek to resolve the issues in dispute through the agreed dispute resolution procedures.

Page 36; BOUGAINVILLE PEACE AGREEMENT; B. AUTONOMY; 8: HUMAN RIGHTS

123. The autonomous Bougainville Government will have the power to provide additional guarantees of human rights in Bougainville, which do not abrogate the human rights provisions in the National Constitution.

124. The autonomous Bougainville Government will have the power to establish mechanisms for enforcement of human rights that do not abrogate the human rights provisions in the National Constitution.

125. The autonomous Bougainville Government will have the power to qualify human rights incidental to the exercise of its powers and functions under Section 38 of the National Constitution, except in relation to 'defence'.
[...]

Page 57; BOUGAINVILLE PEACE AGREEMENT; B. AUTONOMY, 11: INTERGOVERNMENTAL RELATIONS; Joint Supervisory Body

263. The autonomous Bougainville Government and the National Government will consult over implementation of autonomy through a joint supervisory body, which will also be used to consult with a view to resolving any disputes.

264. The joint supervisory body (whose name will be mutually determined) will consist of equal numbers of members representing the National Government and the autonomous Bougainville Government; its functions will be to:

- (a) oversee implementation of arrangements for the establishment and operation of the autonomous Bougainville Government;
- (b) prepare draft legislation to further the objectives of this Agreement;
- (c) finalise matters of detail; and
- (d) resolve any differences or disputes.

Page 62; BOUGAINVILLE PEACE AGREEMENT; B. AUTONOMY; 14: CRIMINAL LAW

295. The autonomous Bougainville Government will have power to:
(a) create and set penalties for offences incidental to the exercise of its agreed powers and functions; and

(b) amend the Summary Offences Act and all other laws relating to criminal law as they apply in Bougainville, or to make equivalent laws of its own (the Criminal Code may only be amended as provided in the next paragraph).

296. The Criminal Code will be adopted by the autonomous Bougainville Government and may only be amended in its application to Bougainville on the following basis:

- [...]
- (d) the autonomous Bougainville Government and the National Government will establish a joint working group on Criminal Law to develop changes that work for both Bougainville and the rest of Papua New Guinea;

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Economic Power-sharing

Page 16; BOUGAINVILLE PEACE AGREEMENT; B. AUTONOMY; 2: Boundaries

[...]

8. The National Government and the autonomous Bougainville Government will agree to equitable arrangements (additional to those agreed for fishing) for sharing revenues from activities in areas of sea and seabed beyond the guaranteed three-mile limit and within the Exclusive Economic Zone and the continental shelf associated with Bougainville territory.

Pages 29-30; BOUGAINVILLE PEACE AGREEMENT; B. AUTONOMY; 6: AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE; (e) FISHERIES

85. The National Government will provide for the autonomous Bougainville Government to be represented on:

(a) delegations negotiating access and other fisheries agreements regarding Bougainville waters and waters beyond the guaranteed three nautical mile limit and within the Exclusive Economic Zone and the continental shelf associated with Bougainville territory; and

(b) bodies responsible for determining total allowable catches, licence numbers and reservation of licenses for domestic fishers in such waters.

86. An agreed formula (based on derivation less costs) will provide for National Government fishing revenues from fishing in those waters to be distributed to the autonomous Bougainville Government.

87. The autonomous Bougainville Government will decide on the allocation of an agreed quota of domestic fishing licenses for highly migratory and straddling fish stocks.

88. The autonomous Bougainville Government will be responsible for the sustainable management of other fisheries in Bougainville's waters.

Page 38; BOUGAINVILLE PEACE AGREEMENT; B. AUTONOMY; 9: FINANCIAL ARRANGEMENTS; (a) BASIC PRINCIPLES

134. The autonomous Bougainville Government will have sufficient revenue-raising powers available to it to become financially self-reliant.

135. Bougainville will continue to make a fair contribution to National Government costs - before fiscal self-reliance, through the National Government retaining control over company tax, Value Added Tax and customs duties in Bougainville; and after self-reliance, through a revenue-sharing formula.

136. Except as otherwise provided the additional costs involved in establishing and maintaining the agreed autonomy arrangements will be shared between the autonomous Bougainville Government and the National Government.

Page 38-39; BOUGAINVILLE PEACE AGREEMENT; B. AUTONOMY; 9: FINANCIAL ARRANGEMENTS; (b) TAXATION

137. The National Government will support the autonomous Bougainville Government in moving towards the goal of fiscal self-reliance, defined as the year in which the revenue from company tax, 70 per cent of Value Added Tax and customs duties is equal to the value of the recurrent grant on a sustainable basis.

138. (a) Revenue from company tax, customs duties and 70 per cent of Value Added Tax collected in Bougainville will go to a trust account for Bougainville and be credited against the recurrent grant at least until Bougainville achieves financial self-reliance.

(b) "Company tax" is understood for this purpose as tax on profits of companies whose principal place of business or main business activity is in Bougainville.

139. (a) When the autonomous Bougainville Government achieves fiscal self-reliance, revenues from these sources (in excess of the costs of recurrent activities calculated in accordance with the recurrent grant formula) will be shared between the National Government and the autonomous Bougainville Government so as contribute to both National and Bougainville development.

(b) The 5-yearly reviews of financial arrangements should be used to consider the issues involved in revenue sharing.

Page 39; BOUGAINVILLE PEACE AGREEMENT; B. AUTONOMY; 9: FINANCIAL ARRANGEMENTS; (b) TAXATION

140. The National Government will continue to impose and collect personal income tax in accordance with the provisions below until such time as restoration is achieved.

141. (a) Revenue from personal income tax collected from Bougainville will be paid directly to a trust account for the autonomous Bougainville Government and distributed to the autonomous Bougainville Government on its request to be used to support development in Bougainville.

(b) The autonomous Bougainville Government will have the power to adjust the rate of personal income tax to apply in Bougainville by no more than five per cent.

142. The autonomous Bougainville Government will assume the powers and functions to impose, set rates of, and collect personal income tax when restoration is achieved.

143. Revenues from all other existing National Government taxes (including 30 per cent of Value Added Tax) collected in Bougainville will be paid direct to the autonomous Bougainville Government.

144. The National Government will retain the power to set rates for company tax, Value Added Tax and customs. But after fiscal self reliance the autonomous Bougainville Government will have power to set rates and collect company tax; provided that the effective rates of company tax will not vary from the National Government's rate by more than five percentage points.

145. The autonomous Bougainville Government will have power to set rates or establish its own tax regime for all other existing National Government taxes (e.g. export tax, excise) and all taxes that have been available to provincial governments under the National Constitution.

146. The Internal Revenue Commission will initially collect all taxes for the autonomous Bougainville Government but the autonomous Bougainville Government will have the power to establish its own tax office to collect Bougainville taxes as well as, by agreement, company tax, Value Added Tax, and customs duties.

147. The autonomous Bougainville Government will be eligible for tax incentives available in the Income (Company) Tax Act.

148. Both the National Government and the autonomous Bougainville Government will have the right to audit taxes paid into the above trust accounts or collected on behalf of the other.

Page 40; BOUGAINVILLE PEACE AGREEMENT; B. AUTONOMY; 9: FINANCIAL ARRANGEMENTS; (c) GRANTS SYSTEM

149. Until the autonomous Bougainville Government becomes fiscally self-reliant, the National Government will provide grants to the autonomous Bougainville Government, including the following kinds of grants:

(a) recurrent unconditional grants;

(b) restoration and development grants;

(c) specific purpose conditional grants, including the recurrent grant for policing; and (d) the one-off Establishment Grant.

150. As the autonomous Bougainville Government's revenue increases, grants will decrease according to an agreed set of factors.

[...]

Pages 41-42; BOUGAINVILLE PEACE AGREEMENT; B. AUTONOMY; 9: FINANCIAL ARRANGEMENTS; (g) BORROWINGS - REVENUE RAISINGS

[...]

Page 43; BOUGAINVILLE PEACE AGREEMENT; B. AUTONOMY; 9: FINANCIAL ARRANGEMENTS; (j) FISCAL ACCOUNTABILITY

178. The National Constitution will set out the requirements within which the Bougainville Constitution will establish a framework for orderly management of the autonomous Bougainville Government's financial and other resources.

179. This framework will include requirements that the autonomous Bougainville Government will do the following in accordance with law:

[...]

180. The National Public Finance Management Act will continue to apply to the autonomous Bougainville Government's finances until and unless the autonomous Bougainville Government makes a Bougainville law (or laws) in accordance with the framework for management of financial and other resources.

181. The Bougainville Constitution may make provision for exceptional circumstances in which the autonomous Bougainville Government may find it necessary to raise revenues or make public expenditures without the Bougainville legislature's prior approval (for example, if the budget for a particular year is not passed in good time).

182. Grants provided to the autonomous Bougainville Government will be subject to audit by the Auditor-General established under the National Constitution.

Page 26-27; BOUGAINVILLE PEACE AGREEMENT; B. AUTONOMY; 6: AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE; a) DEFENCE, Other Activities

64. After the withdrawal of the PNGDF from Bougainville in accordance with the agreed weapons disposal plan, other PNGDF activities in Bougainville will be on a cooperative basis following consultation between the autonomous Bougainville Government and the National Government.

65. (a) The parties will conclude an agreed arrangement that, in respect of land-based activities and facilities in Bougainville, they accept that -

(i) the PNGDF requires immediate access to wharves, airfields, refueling, stores and associated facilities;

(ii) the National Government has no immediate plans for the PNGDF to have facilities, a base or a permanent presence in Bougainville after phased withdrawal in implementation of the agreed plan for weapons disposal;

(iii) the National Government will consult the autonomous Bougainville Government before finalising any plans to develop any of the above for the PNGDF in Bougainville; and

(iv) PNGDF personnel in Bougainville after phased withdrawal in implementation of the agreed weapons disposal plan will be unarmed.

(b) While the agreed arrangement will not be embodied in the National Constitution or an Act of the National Parliament, any disputes over it may be subject to the agreed disputes resolution procedures.

66. The parties will meet at an early, mutually convenient time to consider developing an agreed plan for civic action by the PNGDF to assist in restoration and development in Bougainville.

67. The need for any additional PNGDF facilities in Bougainville will be addressed in the agreed five-yearly reviews.

ps_mil

Military Power-sharing

Page 76; F. OTHER MATTERS; 1. AMNESTY AND PARDON

331. The parties confirm that grants of amnesty and pardon (as agreed in the Lincoln Agreement) for all persons involved in crisis-related activities or convicted of offences arising out of crisis-related activities should be expedited, and will cooperate to ensure that they are.

tj_amn

Amnesty

Page 78; F. OTHER MATTERS; 3. RECONCILIATION, AND UNIFIED STRUCTURES FOR BOUGAINVILLE; (a) RECONCILIATION

340. The process of negotiating this agreement has contributed to the reconciliation process, both within Bougainville and between the rest of Papua

New Guinea and Bougainville. The Agreement itself is intended to further encourage the process, and among other things:
[...]
(e) the arrangements for pardon and amnesty are intended to reduce tensions and divisions that could continue to flow from the conflict.

tj_pri Prisoner Release

Page 15; B. AUTONOMY; 1. OBJECTIVES OF AUTONOMY

4. On the basis of shared acceptance of the sovereignty of Papua New Guinea, the agreed autonomy arrangements are intended to:
[...]
(d) provide for a democratic and accountable system of government for Bougainville that meets internationally accepted standards of good governance, including protection of human rights;

Page 24; 5. DIVISION OF POWERS AND FUNCTIONS: TWO LIST SYSTEM FOR DIVIDING POWERS AND FUNCTIONS; Bougainville to Respect National Government's International Obligations

54. The powers and functions of the autonomous Bougainville Government will be subject to Papua New Guinea's international obligations and human rights:
[...]

Page 36-37; PART B. AUTONOMY; 8. HUMAN RIGHTS

123. The autonomous Bougainville Government will have the power to provide additional guarantees of human rights in Bougainville, which do not abrogate the human rights provisions in the National Constitution.

124. The autonomous Bougainville Government will have the power to establish mechanisms for enforcement of human rights that do not abrogate the human rights provisions in the National Constitution.

125. The autonomous Bougainville Government will have the power to qualify human rights incidental to the exercise of its powers and functions under Section 38 of the National Constitution, except in relation to 'defence'.

126. Proceedings for the enforcement of human rights by residents of Bougainville may be commenced in Bougainville courts or institutions or the National Court.

127. The Supreme Court will remain the final court of appeal on human rights matters.

128. The National Government and the autonomous Bougainville Government will establish a joint commission to examine and report on the issues that would be involved in giving the autonomous Bougainville Government power to make laws permitting courts or Councils of Elders to require clan-groups to which persons convicted of criminal offences belong to meet customary, non-custodial obligations.

129. The terms of reference for the commission will direct it to have full regard for:

- (a) the aspirations of Bougainvilleans for the integration of custom and introduced law;
- (b) the national human rights regime;
- (c) the justice system in Bougainville and Papua New Guinea as a whole; and
- (d) the international human rights system and other relevant aspects of international law.

tj_hum Human Rights

	<p>130. The joint commission will be established at the initiative of either Government; its membership will be mutually agreed; the costs of the commission will be shared.</p> <p>131. The commission's report, which will be submitted by an agreed date, will be tabled for consideration in the National Parliament and the Bougainville legislature.</p> <p>132. The National Government and the autonomous Bougainville Government will inform one another of the outcome of the debates in their respective legislatures, and co-operate in giving effect to mutually acceptable, practical follow-up action, as may be appropriate, through consultation, the joint supervisory body or the agreed five-yearly reviews.</p> <p>133. The above procedures may also be used to follow-up on doubts about whether the autonomous Bougainville Government has power under the existing human rights provisions to make laws regulating or restricting the qualified rights other than laws made in accordance with Section 38 of the National Constitution.</p> <p>Page 53; B. AUTONOMY; 10. PERSONNEL; (d) CORRECTIONAL INSTITUTIONAL SERVICES; Functions of Bougainville CIS</p> <p>243. The Bougainville CIS will be responsible for containing and rehabilitating offenders on behalf of the National Government and the autonomous Bougainville Government in accordance with law and Papua New Guinea's international obligations, including humane treatment of prisoners and respect for human rights.</p> <p>Page 65; C. AGREED PRINCIPLES ON REFERENDUM</p> <p>313. (a) The benchmarks to be used in determining good governance will take account of internationally accepted standards of good governance as they are applicable and implemented in the circumstances of Bougainville and the rest of Papua New Guinea. These benchmarks include democracy and opportunities for participation by Bougainvilleans, transparency, and accountability, as well as respect for human rights and the rule of law, including the Constitution of Papua New Guinea.</p>
<p>tj_min</p> <p>Indigenous & Minority Rights</p>	
<p>tj_wom</p> <p>Women's Rights & Gender Issues</p>	<p>Page 20; B. AUTONOMY; 4. STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT; Legislature</p> <p>28. The Bougainville Constitution will provide that the institutions of the autonomous Bougainville Government will include a legislature which shall be a mainly elected body, but may also include members appointed or elected to represent special interests, such as women, youth, churches.</p> <p>Page 81; Signed At Arawa, Bougainville, Papua New Guinea, This 30th Day of August 2001</p> <p>Mrs. Ruby Mirinka, Representative of Bougainville Women</p>
<p>tj_civ</p> <p>Civil & Political Rights</p>	<p>Page 66; C. AGREED PRINCIPLES ON REFERENDUM</p> <p>315. Eligibility to vote in the referendum will be the same as for national elections in Bougainville plus non-resident Bougainvilleans (detailed criteria to be finalised through consultation).</p>

tj_esc	Economic, Social & Cultural Rights
tj_vic	Victims & Reparations
tj_ref	Refugees & Internally Displaced Persons
tj_tru	Truth & Reconciliation Commission
tj_rec	<p>Page 73; E. WEAPONS DISPOSAL; 1. ENDORSEMENT OF WEAPONS DISPOSAL PLAN; PEACE PROCESS CONSULTATIVE COMMITTEE (PPCC) RESOLUTION ON WEAPONS DISPOSAL; Reconciliation</p> <p>14. Recognising that weapons disposal and reconciliation are both mutually reinforcing and necessary to lasting peace by peaceful means, the parties undertake to co-operate in promoting reconciliation among ex-combatants and in the wider community, and restoration of civil authority in Bougainville.</p> <p>Pages 78-79; F. OTHER MATTERS; 3. RECONCILIATION AND UNIFIED STRUCTURES FOR BOUGAINVILLE; (a) RECONCILIATION</p> <p>337. The parties acknowledge the suffering, pain and loss, which has been caused to so many by the Bougainville conflict. Where tensions and differences between individuals and groups remain unresolved, not only is suffering intensified, but peace itself can be threatened by risks of renewed conflict.</p> <p>338. The success of the peace process has been based on resolution of tensions and differences through a wide range of reconciliation efforts.</p> <p>339. Reconciliation has many aspects, including customary, religious, spiritual, personal, psychological, and economic. It includes concerns for history, memory and justice. These qualities have been evident in the many reconciliation efforts made in Bougainville, within and between families and communities. For the peace to be self-sustaining, reconciliation efforts must continue.</p> <p>340. The process of negotiating this agreement has contributed to the reconciliation process, both within Bougainville and between the rest of Papua New Guinea and Bougainville. The Agreement itself is intended to further encourage the process, and among other things:</p> <p>(b) the autonomy arrangements and other aspects of the Agreement are intended to assist in building a new relationship between Bougainville and the nation as a whole;</p> <p>(c) the autonomous Bougainville Government and other arrangements for government in Bougainville are intended to end institutional divisions and encourage cooperation among Bougainvilleans;</p>

(d) the agreed weapons disposal plan is intended to remove a major factor contributing to conflict within Bougainville and between Papua New Guinea and Bougainville;

(e) the arrangements for pardon and amnesty are intended to reduce tensions and divisions that could continue to flow from the conflict.

341. The signing of this Agreement is intended to be a symbol of progress in reconciliation.

342. The parties commit themselves to continuing to promote and pursue meaningful reconciliation both within Bougainville and between Bougainville and the rest of Papua New Guinea. They agree to cooperate in:

(a) discouraging threats to individuals and groups or to the peace process as a whole;

(b) where appropriate, preventing and punishing such threats in accordance with the law.

343. The parties will consult from time to time, as required, concerning the steps and resources that might be needed to facilitate further development of reconciliation efforts in the future.

Page 80; F. OTHER MATTERS, 3. RECONCILIATION AND UNIFIED STRUCTURES FOR BOUGAINVILLE; (b) BOUGAINVILLE COMMITMENT TO UNIFIED STRUCTURES; STATEMENT OF COMMITMENT TO UNIFIED STRUCTURES (Annex to the BOUGAINVILLE PEACE AGREEMENT)

We, commanders and members of the former combatant groups, acting on behalf of those groups and speaking on behalf of their members, agree to the following things:

[...]

(c) We will work towards reconciliation of all disputes and tensions within Bougainville and to avoiding disputes and tensions in the future.

tj_pro

Protection
Measures

Page 14; Part A. ROLE AND STATUS OF THIS AGREEMENT

1. This Agreement is the basis for drafting the constitutional amendments and other laws, which the National Government will move to provide for implementation.

2. The implementing Constitutional and other laws will state that they are intended to give legal effect to this Agreement.

3. This Agreement:

(a) will be used as a guide for implementation and to assist the Courts in interpreting the Constitutional and other laws, which give legal effect to this agreement;

[...]

tr_con

Constitutional
Reform

Page 17-19; B. AUTONOMY; 3. BOUGAINVILLE CONSTITUTION

Bougainville Constitution

10. There will be a constitution for Bougainville ('the Bougainville Constitution').

11. The Bougainville Constitution will provide for the organisation and structures of the government for Bougainville under the autonomy

arrangements ('the autonomous Bougainville Government') in a manner consistent with this Agreement.

12. Relations between the National Government and the autonomous Bougainville Government will be regulated in accordance with the National Constitution and will not be the subject of provision in the Bougainville Constitution except as specifically provided elsewhere in this Agreement.

13. The Bougainville Constitution will provide for the names of Bougainville and the autonomous Bougainville Government.

Developing the Bougainville Constitution

14. The Bougainville Interim Provincial Government in consultation with the Bougainville People's Congress will establish a Constitutional Commission and a Constituent Assembly to make the Bougainville Constitution.

15. (a) The National Government will be kept informed and allowed adequate opportunity to make its views known as proposals for the Bougainville Constitution are developed.

(b) Before the Bougainville Constitution is adopted by the Constituent Assembly, there will be consultation with the National Government about the contents of the draft Constitution.

Constitutional Commission to Develop Proposals

16. A Constitutional Commission broadly representative of the people of Bougainville will make proposals for a Bougainville Constitution.

17. The Constitutional Commission will consult widely with the people of Bougainville to understand their views on a Constitution for Bougainville, and will prepare a draft Bougainville Constitution for consideration by the Constituent Assembly.

Constituent Assembly to Debate and Adopt Bougainville Constitution

18. The people of Bougainville, through a representative Constituent Assembly, will consider the draft Bougainville Constitution.

19. The Constituent Assembly will debate and may amend the draft Bougainville Constitution, and will adopt the Constitution in the manner set out in this clause.

Establishing the Constituent Assembly

20. The parties will co-operate in facilitating the establishment of the Constituent Assembly.

Principles and Standards for Development and Contents of Constitution

21. Subject to other provisions of this Agreement, the arrangements used to establish the Bougainville Constitution and the structures and procedures for the autonomous Bougainville Government established under it will meet internationally accepted standards of good governance.

Endorsement of Bougainville Constitution

22 (a) Following adoption of the Bougainville Constitution, the Constituent Assembly shall transmit a copy of that Constitution to the National Executive Council.

(b) Upon being satisfied that the requirements of the National Constitution for the Bougainville Constitution have been met, the National Executive Council shall advise the head of State to endorse that Constitution.

23. The National Government will gazette the Bougainville Constitution upon its endorsement by the Governor-General.

24. The constitutional amendments will include an agreed procedure to ensure that the Bougainville Constitution can be brought into effect without delay.

Coming into Effect of Bougainville Constitution

25. The Bougainville Constitution will come into effect on a date after its endorsement by the Head of State, and in the manner provided for in that Constitution.

Legal Status of Bougainville Constitution

26. The Bougainville Constitution will be supreme law as regards matters that fall within Bougainville's jurisdiction, and Bougainville laws and institutions will be required to be consistent with the Bougainville Constitution. The Bougainville Constitution will be enforceable:

(a) in the Supreme Court; and

(b) the Bougainville courts, to the extent provided for in the Bougainville Constitution. Amendment of Bougainville Constitution

27. The Bougainville Constitution may be amended only by the Bougainville legislature following a procedure and requirements (inclusive of voting majority) as may be prescribed by the Bougainville Constitution.

Page 20-21; B. AUTONOMY; 4. STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT

Legislature

28. The Bougainville Constitution will provide that the institutions of the autonomous Bougainville Government will include a legislature which shall be a mainly elected body, but may also include members appointed or elected to represent special interests, such as women, youth, churches.

Executive

29. The Bougainville Constitution will provide for the autonomous Bougainville Government to include an accountable executive body.

30. There will be a head of the executive whose title, method of appointment, and powers and functions will be specified in the Bougainville Constitution

Judiciary

31. The Bougainville Constitution may provide for an impartial judiciary for Bougainville, or may provide for Bougainville to operate either in full or in part under courts established under the national Constitution.

Powers and Functions of Legislature etc.

32. The powers, functions and procedures of the legislature, executive and judiciary will be as specified by or under the arrangements in this Agreement and the Bougainville Constitution.

Other Government Institutions

33. The Bougainville Constitution may establish other institutions that may be required for the autonomous Bougainville Government to carry out its powers and functions effectively, including institutions responsible for public administration provided for elsewhere in this Agreement (such as bodies to administer separate public service, police, teaching service and correctional institutional services bodies) and local government bodies.

Considerations Concerning Decisions on Bougainville Institutions

34. Decisions made by both the Constituent Assembly and the legislature of the autonomous Bougainville Government about establishing institutions proposed to be part of the autonomous Bougainville Government shall be made only after considering the costs likely to be involved in such decisions and the administrative capacity necessary to implement them. Such decisions include those about:

[...]

(c) provision in the Bougainville Constitution for institutions other than the legislature, the executive and the judiciary.

Accountability of Government Institutions

35. The Bougainville Constitution will make provision for the accountability of all institutions created under it.

[...]

Page 23-24; B. AUTONOMY; 5. DIVISION OF POWERS AND FUNCTIONS: TWO LIST SYSTEM FOR DIVIDING POWERS AND FUNCTIONS

Basis for Drafting Lists in Constitutional Laws

46. Powers and functions will be divided between the National Government and the autonomous Bougainville Government by allocation to two comprehensive lists.

47. Those lists will be as exhaustive as possible of known and identifiable powers and functions of government.

48. The parties may be required to further consult and agree on issues that arise during the drafting of the constitutional amendments relating to how particular powers are to be described and where particular aspects of powers and functions belong.

49. The Constitutional Laws implementing this Agreement will provide an agreed mechanism to deal with possible overlap or conflict between the two lists.

Bougainville List of Powers and Functions

52. The list of powers and functions of the autonomous Bougainville Government will:

(a) include all known or identifiable powers not on the National Government list, beginning with the powers that have been available to provincial governments under the National Constitution;

(b) be developed during the drafting of the Constitutional Laws implementing this Agreement. [...]

Page 43; B. AUTONOMY; 9. FINANCIAL ARRANGEMENTS, (j) FISCAL ACCOUNTABILITY

178. The National Constitution will set out the requirements within which the Bougainville Constitution will establish a framework for orderly management of the autonomous Bougainville Government's financial and other resources. [...]

181. The Bougainville Constitution may make provision for exceptional circumstances in which the autonomous Bougainville Government may find it necessary to raise revenues or make public expenditures without the Bougainville legislature's prior approval (for example, if the budget for a particular year is not passed in goodtime).

Page 47; B. AUTONOMY; 10. PERSONNEL; (b) PUBLIC SERVICE; Constitutional Provisions for Appeal and Review of Public Service Matters

199 (a) The Bougainville Constitution will make provision for an independent body which will be responsible for reviewing decisions on personnel matters in relation to the Bougainville Public Service.

Page 60; B. AUTONOMY; 13. JUDICIARY; Bougainville Courts

276. The National Constitution will be amended to allow the Bougainville Constitution to provide for the establishment within the National Judicial System of courts and tribunals in Bougainville ranging from courts with a similar jurisdiction to Village Courts to a court of similar jurisdiction to the National Court.

Page 65-66; C. AGREED PRINCIPLES ON REFERENDUM

309. The National Government will move amendments to the National Constitution to guarantee a referendum on Bougainville's future political status.

312. (a) The constitutional amendments will guarantee that the referendum will be held:
[...]

314. (a) The referendum on Bougainville's future political status will be conducted in accordance with agreed constitutional arrangements.

(b) The constitutional amendments and any Organic Law required to implement the agreed referendum arrangements will be introduced into the National Parliament together, and drafted to take effect at the same time.

Page 68; D. AMENDMENT OF CONSTITUTIONAL ARRANGEMENTS FOR AUTONOMY AND REFERENDUM

325. The constitutional arrangements implementing this agreement may be amended only in accordance with both requirements (a) and (b) below:

(a) after approval by the National Parliament in accordance with the amendment provisions contained in the National Constitution; and

(b) (i) in the case of the referendum provisions, after a vote in which a two-thirds absolute majority of members of the Bougainville legislature vote in support; or

(ii) in the case of the autonomy provisions, after a vote in which a simple majority of members of the Bougainville legislature vote in support.

328. The constitutional provisions concerning the above entrenchment arrangements will themselves be subject to the above procedures and requirements.

Page 20; B. AUTONOMY; 4. STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT

Legislature

28. The Bougainville Constitution will provide that the institutions of the autonomous Bougainville Government will include a legislature which shall be a mainly elected body, but may also include members appointed or elected to represent special interests, such as women, youth, churches.

Powers and Functions of Legislature, etc.

32. The powers, functions and procedures of the legislature, executive and judiciary will be as specified by or under the arrangements in this Agreement and the Bougainville Constitution.

Page 20; B. AUTONOMY; 4. STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT; Bougainville Salaries and Rémunération Commission

44. [...]

tr_leg

Legislative Branch
Reform

(c) The Bougainville legislature will have the power to accept or reject (but not to amend) recommendations from the Bougainville Salaries and Remuneration Commission.

Page 20; B. AUTONOMY; 4. STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT

Executive

29. The Bougainville Constitution will provide for the autonomous Bougainville Government to include an accountable executive body.

30. There will be a head of the executive whose title, method of appointment, and powers and functions will be specified in the Bougainville Constitution.

Powers and Functions of Legislature, etc.

32. The powers, functions and procedures of the legislature, executive and judiciary will be as specified by or under the arrangements in this Agreement and the Bougainville Constitution.

Page 23-24; B. AUTONOMY; 5. DIVISION OF POWERS AND FUNCTIONS, TWO LIST SYSTEM FOR DIVIDING POWERS AND FUNCTIONS

National Government List of Powers and Functions

50. Consistent with national sovereignty, the National Government will exercise powers and functions on the National Government list in relation to Papua New Guinea as a whole, including Bougainville.

51. The agreed National Government list is as follows:

tr_exe

Executive Branch
Reform

- Defense;
- Foreign relations;
- Immigration;
- Highly migratory and straddling fish stocks;
- Central Banking;
- Currency;
- International civil aviation;
- International shipping
- International trade;
- Posts;
- Telecommunications;
- Powers required for direct implementation of the National Constitution, as amended in implementation of this Agreement (for example, citizenship, national elections);
- All other powers for which the National Government is responsible under other provisions of this Agreement.

Bougainville List of Powers and Functions

52. The list of powers and functions of the autonomous Bougainville Government will:

(a) include all known or identifiable powers not on the National Government list, beginning with the powers that have been available to provincial governments under the National Constitution;

(b) be developed during the drafting of the Constitutional Laws implementing this Agreement.

53. The Bougainville list will include the power to decide on foreign investment applications for Bougainville, and the autonomous Bougainville Government may establish its own administrative mechanism in relation to foreign investment matters for Bougainville.

Page 20-21; B. AUTONOMY; 4. STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT

Judiciary

31. The Bougainville Constitution may provide for an impartial judiciary for Bougainville, or may provide for Bougainville to operate either in full or in part under courts established under the national Constitution.

Executive Powers and Functions of Legislature, etc.

32. The powers, functions and procedures of the legislature, executive and judiciary will be as specified by or under the arrangements in this Agreement and the Bougainville Constitution. Other Government Institutions

Considerations Concerning Decisions on Bougainville Institutions

34. Decisions made by both the Constituent Assembly and the legislature of the autonomous Bougainville Government about establishing institutions proposed to be part of the autonomous Bougainville Government shall be made only after considering the costs likely to be involved in such decisions and the administrative capacity necessary to implement them. Such decisions include those about:

[...]

(b) the courts within the Bougainville judiciary;

Page 36; BOUGAINVILLE PEACE AGREEMENT, B. AUTONOMY; 8. HUMAN RIGHTS

tr_jud

Judiciary Reform

126. Proceedings for the enforcement of human rights by residents of Bougainville may be commenced in Bougainville courts or institutions or the National Court.

127. The Supreme Court will remain the final court of appeal on human rights matters.

128. The National Government and the autonomous Bougainville Government will establish a joint commission to examine and report on the issues that would be involved in giving the autonomous Bougainville Government power to make laws permitting courts or Councils of Elders to require clan-groups to which persons convicted of criminal offences belong to meet customary, non-custodial obligations.

Page 59; B. AUTONOMY; 12. STATES OF EMERGENCY

270. The Bougainville Constitution will specify the procedures which the autonomous Bougainville Government will follow in dealing with situations in Bougainville similar to those covered in the emergency provisions of the National Constitution.

271. In circumstances where it is necessary to declare a state of emergency in Bougainville, the autonomous Bougainville Government will be responsible for initiating a request.

272. The National Government and the autonomous Bougainville Government will cooperate in the management of a declared state of emergency.

273. If it is necessary to declare a state of emergency in Bougainville and the autonomous Bougainville Government fails to initiate a timely request, the National Government will use its best endeavours to consult the autonomous Bougainville Government.

274. Only if the situation is urgent and consultation is not practicable will the National Government be able to declare a state of emergency in Bougainville.

275. The parties acknowledge that the power to initiate and declare states of emergency which apply nationally, or substantially in other parts of Papua New Guinea or in relation to a declared war will remain a National Government responsibility (states of emergency which apply only in other parts of Papua New Guinea will not be affected by this agreement).

Page 60-61, B. AUTONOMY, 13. JUDICIARY

Bougainville Courts

276. The National Constitution will be amended to allow the Bougainville Constitution to provide for the establishment within the National Judicial System of courts and tribunals in Bougainville ranging from courts with a similar jurisdiction to Village Courts to a court of similar jurisdiction to the National Court.

277. The name "National Court" shall not be used for any Court established by Bougainville.

278. The highest court in Bougainville will have such jurisdiction, consistent with the agreed autonomy arrangements, as may be provided under the Bougainville Constitution.

Jurisdiction of Bougainville Courts

279. Until Bougainville establishes a court of similar jurisdiction to the National Court with power to hear cases under the Criminal Code, the application and enforcement of the Criminal Code will remain solely with the National Court.

280. Subject to these arrangements, laws made by the National and Bougainville Governments will be enforceable in one another's courts.

281. The highest Court established under Bougainville law will have the power to make orders in the nature of prerogative writs and such other orders as are necessary to do justice in the circumstances of a particular case.

282. The National Government and the autonomous Bougainville Government will consult with a view to legislating for Bougainville courts and tribunals to exercise additional jurisdiction under National law.

Appeals

283. The highest Bougainville Court may have the power to review the exercise of judicial authority by courts and tribunals established under Bougainville law.

284. The National Court will remain an alternative court of review and appeal (that is, alternative to the highest appeal court in Bougainville; but not vice-versa)

285. The Supreme Court of Papua New Guinea will be the final court of appeal for Bougainville.

Interpretation of National Constitutional Provisions and of Bougainville Constitution

286. The Bougainville Constitution may provide that questions of interpretation of the Bougainville Constitution will be taken directly to the highest Bougainville court, and may be appealed to the Supreme Court.

287. Questions of interpretation of the agreed autonomy arrangements in the National Constitution or Organic Laws will be taken directly to the National or Supreme Court, as appropriate.

Appointment of Judges for Bougainville Courts

288. Appointment and removal of Bougainville judges will be non-political, with two representatives of the National Judicial and Legal Services Commission serving on the appointments body

Operation of National Judicial System

289. The National Judicial System will continue to carry out its responsibilities in Bougainville.

290. The autonomous Bougainville Government will provide all reasonable assistance to the National Judicial System in the exercise of its functions.

291. The National and Bougainville Court administrations will cooperate with one another.

292. Appointments to the National Judiciary will be open to qualified persons from throughout Papua New Guinea.

Phased Implementation Plan

293. The National Government and the autonomous Bougainville Government will develop and implement a plan for restoring and building the capacity of courts in Bougainville, including courts at village level, as provided in the Lincoln Agreement.

Costs of Establishing Bougainville Courts

294. The autonomous Bougainville Government will meet the costs of establishing courts of its own above the level of the District Court as well as special tribunals.

Page 62; B. AUTONOMY; 14. CRIMINAL LAW

295. The autonomous Bougainville Government will have power to:

(a) create and set penalties for offences incidental to the exercise of its agreed powers and functions; and

(b) amend the Summary Offences Act and all other laws relating to criminal law as they apply in Bougainville, or to make equivalent laws of its own (the Criminal Code may only be amended as provided in the next paragraph).

296. The Criminal Code will be adopted by the autonomous Bougainville Government and may only be amended in its application to Bougainville on the following basis:

(a) change to principles of the criminal law shall be evolutionary;

(b) there will be no wholesale changes to the coverage of subjects by the criminal law;

(c) there will be no amendment of the Criminal Code without proper consultation with the National Government;

(d) the autonomous Bougainville Government and the National Government will establish a joint working group on Criminal Law to develop changes that work for both Bougainville and the rest of Papua New Guinea;

(e) amendments to the Criminal Code by the autonomous Bougainville Government will be gazetted but will not come into effect without the agreement of the National Government;

(f) the National Government may require further negotiation should it not accept the proposals for amendments made by the autonomous Bougainville Government; and

(g) the agreed dispute resolution procedures will apply.

297. In the longer term, the autonomous Bougainville Government may seek to develop its own Criminal Code in consultation with the National

Government, which will come into effect only upon the agreement of the National Government.

Page 20; B. AUTONOMY; 4. STRUCTURES OF THE AUTONOMOUS BOUGAINVILLE GOVERNMENT

Other Government Institutions

33. The Bougainville Constitution may establish other institutions that may be required for the autonomous Bougainville Government to carry out its powers and functions effectively, including institutions responsible for public administration provided for elsewhere in this Agreement (such as bodies to administer separate public service, police, teaching service and correctional institutional services bodies) and local government bodies.

Considerations Concerning Decisions on Bougainville Institutions

34. Decisions made by both the Constituent Assembly and the legislature of the autonomous Bougainville Government about establishing institutions proposed to be part of the autonomous Bougainville Government shall be made only after considering the costs likely to be involved in such decisions and the administrative capacity necessary to implement them. Such decisions include those about:

- (a) the number of seats in the Bougainville legislature from time to time;
- (b) the courts within the Bougainville judiciary;
- (c) provision in the Bougainville Constitution for institutions other than the legislature, the executive and the judiciary.

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Public
Administration
Reform

Page 22; B. AUTONOMY; 4. STRUCTURES OF THE A AUTONOMOUS BOUGAINVILLE GOVERNMENT

Appointments to Constitutional Office-holders and Heads of Services

43. The bodies established by or under the Bougainville Constitution to make appointments of Bougainville judges, other constitutional office-holders, and heads of the Bougainville Police and any body equivalent to the Correctional Institutional Services shall include two nominees of the National Government.

Bougainville Salaries and Rémunération

44. (a) The autonomous Bougainville Government may establish its own independent Salaries and Remuneration Commission under the Bougainville Constitution to recommend the salaries and other conditions of elected leaders, Constitutional officeholders and statutory heads (including heads of the Bougainville Police and any body equivalent to the Correctional Institutional Services) appointed under that Constitution; the autonomous Bougainville Government will meet any additional costs.

Page 24; B. AUTONOMY; 5. DIVISION OF POWERS AND FUNCTIONS; Bougainville List of Powers and Functions

53. The Bougainville list will include the power to decide on foreign investment applications for Bougainville, and the autonomous Bougainville Government may establish its own administrative mechanism in relation to foreign investment matters for Bougainville.

Page 45-48; B. AUTONOMY; 10. PERSONNEL

(a) PROVISIONS APPLYING GENERALLY TO PUBLIC SERVICE. POLICE AND CORRECTIONAL INSTITUTIONAL SERVICES

Implementation as Packages

184. The agreed arrangements for the Public Service, Police and Correctional Institutional Services (CIS) in Bougainville will each be implemented as a package.

Application to Other Bodies

185. The arrangements applying to the Bougainville Public Service will also apply to the Teaching Service and all public authorities established by the autonomous Bougainville Government (except where special arrangements have been agreed to apply to Police and CIS).

Constitutional Basis

186. The National Constitution will be amended to allow the autonomous Bougainville Government to establish and to make laws regarding a Bougainville Public Service, Police and Bougainville equivalent to the CIS ('Bougainville CIS') consistent with this Agreement.

187. The Heads of the Bougainville Public Service, Police and CIS will be responsible to the autonomous Bougainville Government through a Minister (or equivalent) appointed under the Bougainville Constitution.

Recruitment, Employment and Industrial Relations

188. Bougainville law will provide for recruitment and terms and conditions of employment for the Bougainville Public Service, Police and CIS to be based on individual merit.

189. Bougainville will accept the National industrial relations system.

Oath of Allegiance

190. Members of the Bougainville Public Service, Police and CIS will swear allegiance to the Head of State of Papua New Guinea.

National Public Service, Police and CIS

191. The Papua New Guinea Public Service, Police and CIS will remain national organizations, which recruit throughout Papua New Guinea.

Co-operative Arrangements

192. The National Government and the autonomous Bougainville Government will agree to arrangements to:

- (a) facilitate transfers, secondment and exchanges of personnel;
- (b) provide for core training and personnel development programmes, together with utilization of common training facilities throughout Bougainville and the rest of Papua New Guinea; and
- (c) provide for regular consultations between the most senior officers responsible for Public Service, Police and CIS matters in the National Government, the autonomous Bougainville Government and Provincial Governments, and other senior officers.

(b) PUBLIC SERVICE

Control

193. The Bougainville Public Service will be subject only to the control of the autonomous Bougainville Government through a Minister (or equivalent) of that Government.

Bougainville Law

194. (a) Bougainville law will provide for standards for management and control of public servants, work value criteria and standards for pay determination, as well as classification and grade structure compatible with those of the National Public Service.

(b) Bougainville laws on the above will be made following consultations with the National Government.

195. The National Government and the autonomous Bougainville Government, through their respective Ministers and responsible Public Service Heads, will consult with a view to reaching agreement before general pay increases which will impact on the National and Bougainville budgets.

196. The autonomous Bougainville Government will consult the National Government before making or amending the Bougainville Public Service General Orders (or their equivalent).

Institutional Arrangements

197. The autonomous Bougainville Government will consult the Head of the National Government Department responsible for National Public Service personnel matters before appointing the most senior Public Servant responsible for Public Service matters in Bougainville.

Information and Monitoring

198. (a) The National Government will monitor developments in the Bougainville Public Service.

(b) The autonomous Bougainville Government will keep the National Government informed about developments in the Bougainville Public Service, including proposed changes of policy and budgetary allocations for personnel, and facilitate monitoring by the National Government.

Constitutional Provisions for Appeal and Review of Public Service Matters

199 (a) The Bougainville Constitution will make provision for an independent body which will be responsible for reviewing decisions on personnel matters in relation to the Bougainville Public Service.

(b) The autonomous Bougainville Government will meet the costs of this body.

National Public Service Offices in Bougainville

200. The National Public Service will continue to establish positions and transfer personnel to Bougainville to carry out National powers and functions.

201. The autonomous Bougainville Government will co-operate with the National Government to ensure that such positions and personnel can be filled and operate efficiently and effectively.

Phased Implementation Plan, Interim Arrangements and Transitional Period

202. Until such time as the autonomous Bougainville Government establishes the Bougainville Public Service, the National Government will facilitate progress towards greater autonomy in the management of the Public Service in Bougainville through delegations by the Departmental Head responsible for Personnel Management matters in the National Public Service, to the Bougainville Administrator under current legislation.

203. These transitional arrangements will be implemented on receipt of a request from the Bougainville Interim Provincial Government or the autonomous Bougainville Government.

204. The National Government and the autonomous Bougainville Government will develop a recruitment and training plan for building Public Service capacity in Bougainville.

205. On the coming into force of the law establishing the Bougainville Public Service, a mutually agreed transitional period will be effected by the Act, during which period serving public servants will remain as members of the National Public Service. On conclusion of the transitional period, all of those public servants will become members of the Bougainville Public Service, other than any who choose not to leave the National Public Service. The National Government will be responsible for the accrued rights and entitlements of

transferred public servants to the point of transfer. Those rights and entitlements will be fully portable.

206. During the transitional period, the National Public Service and the Bougainville Public Service will give proper consideration to the transfer of public servants in Bougainville who may wish to serve elsewhere in Papua New Guinea and the integration or secondment into the Bougainville Public Service of those members of the National Public Service who wish to continue to serve in the Bougainville Public Service.

207. (a) During the transitional period, the Bougainville Administrator, in consultation with the Secretary of the Department of Personnel Management, will plan for implementation of the Bougainville Public Service, including determination of:

- (i) organization structures;
- (ii) terms and conditions;
- (iii) General Orders; and
- (iv) manpower budgets.

(b) The transitional arrangements will include the development and publication of Bougainville General Orders to be executed by the Bougainville Administrator under powers of delegation granted under the Public Services (Management) Act.

208. The plan will be subject to the authority of the autonomous Bougainville Government.

209. The National Public Services (Management) Act, together with Bougainville General Orders, will apply in Bougainville until the autonomous Bougainville Government makes and implements equivalent legislation or General Orders of its own.

Page 55; B. AUTONOMY; 10. PERSONNEL, (d) CORRECTIONAL INSTITUTIONAL SERVICES; Transitional Arrangements for Bougainville CIS

256. (a) Until such time as the autonomous Bougainville Government establishes the Bougainville CIS under the Bougainville Constitution, the National Government will facilitate progress towards greater autonomy in the CIS arrangements in Bougainville through delegations by the CIS Commissioner of administrative and operational powers and functions to the Provincial CIS Commander in Bougainville.

(b) These arrangements will be implemented on receipt of a request from the Bougainville Interim Provincial Government or the autonomous Bougainville Government.

257. The Bougainville CIS will initially be made up of National CIS personnel who will serve on a basis to be agreed, subject to the availability of funding.

258. (a) The National CIS Commissioner will consult the executive of the autonomous Bougainville Government on the appointment of the CIS Commander in Bougainville and appoint their nominee. (b) The National Government will make the delegations of administrative and operational powers and functions in such a way that the Commander is, in practice, responsible (through a Minister or equivalent) to the Bougainville Interim Provincial Government, and, when it is established, the autonomous Bougainville Government.

259. The National Government and the autonomous Bougainville Government will develop a recruitment and training plan for building capacity of the Bougainville CIS.

260. The National CIS and the Bougainville CIS will give reasonable consideration to the transfer of National CIS personnel in Bougainville who wish to serve elsewhere in Papua New Guinea, and the integration or secondment into the Bougainville CIS of those members of the National CIS who wish to serve in the Bougainville CIS.

Page 26-27; B. AUTONOMY; 6. AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE; (a) DEFENCE

60. The National Government will exercise this responsibility in Bougainville in accordance with this agreement and arrangements made under it.

61. The Papua New Guinea Defence Force (PNGDF) remains a national organization which recruits throughout Papua New Guinea.

Maritime and Border Surveillance. Search and Rescue, Assistance in Natural Disasters, etc.

62. (a) The PNGDF will continue to assist in meeting Papua New Guinea's international obligations as well as carrying out maritime and border surveillance and enforcement.

(b) The National Government will be able to send PNGDF personnel to Bougainville for purposes of search and rescue and assistance in natural disasters and other humanitarian emergencies in response to requests from the autonomous Bougainville Government, or by giving prior notice to agreed points of contact in Bougainville.

63. (a) The parties will co-operate in assisting the PNGDF to carry out the above activities.

(b) In the interests of transparency and mutual confidence-building, the National Government and the autonomous Bougainville Government will make arrangements for officials of the autonomous Bougainville Government to participate actively in the Bougainville-based aspects (including maritime aspects) of the above activities.

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Military Reform

Other Activities

64. After the withdrawal of the PNGDF from Bougainville in accordance with the agreed weapons disposal plan, other PNGDF activities in Bougainville will be on a co-operative basis following consultation between the autonomous Bougainville Government and the National Government.

65. (a) The parties will conclude an agreed arrangement that, in respect of land-based activities and facilities in Bougainville, they accept that -
(i) the PNGDF requires immediate access to wharves, airfields, refueling, stores and associated facilities;

(ii) the National Government has no immediate plans for the PNGDF to have facilities, a base or a permanent presence in Bougainville after phased withdrawal in implementation of the agreed plan for weapons disposal;

(iii) the National Government will consult the autonomous Bougainville Government before finalising any plans to develop any of the above for the PNGDF in Bougainville; and

(iv) PNGDF personnel in Bougainville after phased withdrawal in implementation of the agreed weapons disposal plan will be unarmed.

66. The parties will meet at an early, mutually convenient time to consider developing an agreed plan for civic action by the PNGDF to assist in restoration and development in Bougainville.

67. The need for any additional PNGDF facilities in Bougainville will be addressed in the agreed five-yearly reviews.

Page 34; B. AUTONOMY; 7. TRANSFER OF POWERS AND FUNCTIONS; (a) PROCESS FOR TRANSFER

tr_pol

Police Reform

Delegation of Powers over Public Service. Police and CIS

114. (a) Agreed arrangements for the delegation of powers over the Public Service, Police and CIS in Bougainville will be implemented by the National

Government immediately on request from the Bougainville Interim Provincial Government (in consultation with the Bougainville People's Congress) or, when it is established, the autonomous Bougainville Government.

(b) The autonomous Bougainville Government may exercise its powers to establish a Bougainville Public Service, Police and CIS when agreed plans have been implemented.

Agreed Plans for Implementation

116. [...]

(b) Agreed plans in relation to the transfer of powers and functions over Police may provide for transfer to be gradual.

Page 45-46; B. AUTONOMY; 10. Personnel; (a) PROVISIONS APPLYING GENERALLY TO PUBLIC SERVICE. POLICE AND CORRECTIONAL INSTITUTIONAL SERVICES

Implementation as Packages

184. The agreed arrangements for the Public Service, Police and Correctional Institutional Services (CIS) in Bougainville will each be implemented as a package.

Constitutional Basis

186. The National Constitution will be amended to allow the autonomous Bougainville Government to establish and to make laws regarding a Bougainville Public Service, Police and Bougainville equivalent to the CIS ('Bougainville CIS') consistent with this Agreement.

187. The Heads of the Bougainville Public Service, Police and CIS will be responsible to the autonomous Bougainville Government through a Minister (or equivalent) appointed under the Bougainville Constitution.

Recruitment, Employment and Industrial Relations

188. Bougainville law will provide for recruitment and terms and conditions of employment for the Bougainville Public Service, Police and CIS to be based on individual merit.

189. Bougainville will accept the National industrial relations system.

Oath of Allegiance

190. Members of the Bougainville Public Service, Police and CIS will swear allegiance to the Head of State of Papua New Guinea.

National Public Service, Police and CIS

191. The Papua New Guinea Public Service, Police and CIS will remain national organizations, which recruit throughout Papua New Guinea.

Co-operative Arrangements

192. The National Government and the autonomous Bougainville Government will agree to arrangements to:

(a) facilitate transfers, secondment and exchanges of personnel;

(b) provide for core training and personnel development programmes, together with utilization of common training facilities throughout Bougainville and the rest of Papua New Guinea; and

(c) provide for regular consultations between the most senior officers responsible for Public Service, Police and CIS matters in the National Government, the autonomous Bougainville Government and Provincial Governments, and other senior officers.

Control and Command

210. The Bougainville Police will be subject only to the control of the autonomous Bougainville Government through a Minister (or equivalent) of that Government.

211. The Bougainville Police will not be subject to command except in accordance with Bougainville law.

Head of Bougainville Police

212. (a) The Head of the Bougainville Police will be appointed and subject to removal for just cause by an independent commission established under the Bougainville Constitution, which will include two representatives of the National Government, one of whom will be the Commissioner of the Royal Papua New Guinea Constabulary (RPNGC) or his nominee.

(b) The head of the Bougainville Police will have a title other than Commissioner, and hold a rank below that of Commissioner of the RPNGC.

Functions of Bougainville Police

213. The Bougainville Police will be responsible for preserving peace and good order and maintaining and, as necessary, enforcing both National and Bougainville laws in an impartial and objective manner, and with full regard for human rights.

214. The National Government and the autonomous Bougainville Government will agree to arrangements for maintaining and enforcing National laws.

215. The National Government (working, where appropriate, through the RPNGC) will inspect and audit compliance of the Bougainville Police in respect of maintaining and enforcing National laws.

216. The autonomous Bougainville Government will facilitate these inspections and audits.

217. Any differences about agreed arrangements will be resolved through the agreed dispute resolution procedures.

Role of RPNGC

218. The RPNGC may itself exercise its functions in Bougainville.

219. The autonomous Bougainville Government and the Bougainville Police, and the National Government and the RPNGC, will develop appropriate agreed arrangements to facilitate the exercise of those functions.

220. The autonomous Bougainville Government and the Bougainville Police will provide all reasonable assistance to the RPNGC in the exercise of those functions.

221. The parties accept that the National Government has no immediate plans to redeploy Police Mobile Units or similar units to Bougainville after they have been withdrawn in accordance with the agreed weapons disposal plan.

222. After phased withdrawal, RPNGC Police Mobile Units or similar units will be deployed to Bougainville only after consultation (through procedures appropriate to the urgency of the particular situation) and consensus is reached between the National Government and the autonomous Bougainville Government in support of that deployment.

223. The Bougainville Police will not develop the equivalent of an armed Police Mobile Unit.

Training, Rank Structure and Uniforms of Bougainville Police

224. Bougainville law for the Bougainville Police will provide for the following:

(a) core training and personnel development arrangements consistent with those of the RPNGC; and

(b) rank structure, and terms and conditions of employment consistent with those of the RPNGC.

225. The uniforms, vehicles, premises and stationery of the Bougainville Police will include the National Emblem or name.

Co-operative Policing

226. The co-operative arrangements for the Bougainville Police will include:

(a) mutual assistance in law enforcement;

(b) compatible policing standards, procedures and equipment, including co-operative procurement arrangements.

227. The Bougainville Police and the RPNGC will develop agreed arrangements for continuing access by the Bougainville Police to specialist services (for example, forensic, criminal investigation, etc.) and other support from the RPNGC.

228. The parties recognise that these agreed policing arrangements will require a balance between the following needs:

(a) for the fundamentals of criminal law to be consistent and capable of consistent enforcement throughout Papua New Guinea; and

(b) for Bougainville to be able to develop its own approaches to criminal law.

Funding

229. (a) The National Government will provide the autonomous Bougainville Government with funding by way of guaranteed annual conditional grants for the specific purpose of meeting the recurrent costs of policing in Bougainville.

(b) The minimum grant will be sufficient to support existing levels of police activities in Bougainville.

(c) The grant will be adjusted annually on the same basis as the adjustment of the recurrent grant.

230. The National Government will provide the autonomous Bougainville Government with guaranteed conditional grants intended to:

(a) restore civilian peacetime policing in Bougainville, one measure to be the reaching of normal levels of policing elsewhere in Papua New Guinea, such funding to be taken into account in the calculation of the amount of the grant for recurrent costs of policing in subsequent years;

(b) provide for further development of policing services in Bougainville.

231. Grants to the autonomous Bougainville Government in relation to policing will be taken into account when determining progress towards fiscal self-reliance by the autonomous Bougainville Government.

232. The additional costs of establishing and maintaining the Bougainville Police outside the RPNGC will be equitably shared between the National Government and the autonomous Bougainville Government.

Emergencies and Other Support

233. The Bougainville Police and the autonomous Bougainville Government will maintain order and enforce the law on behalf of Bougainville and the State as a whole and shall seek support and assistance from other appropriate state agencies to deal with threats or situations in which that support or assistance is required.

234. On the request of the autonomous Bougainville Government, the RPNGC may deploy additional police to assist the Bougainville Police.

Transitional Arrangements for Bougainville Policing

235. (a) Until such time as the autonomous Bougainville Government establishes the Bougainville Police under the Bougainville Constitution, the National Government will facilitate progress towards greater autonomy in the policing arrangements in Bougainville through delegations by the Police Commissioner of administrative and operational powers and functions to the Provincial Police Commander in Bougainville.

(b) These arrangements will be implemented on receipt of a request from the Bougainville Interim Provincial Government.

236. The Bougainville Police will initially be made up of RPNGC personnel who will serve on a basis to be agreed.

237. (a) The RPNGC Commissioner will consult the executive of the autonomous Bougainville Government on the appointment of the Police Commander in Bougainville and appoint their nominee.

(b) The National Government will make the delegations of administrative and operational powers and functions in such a way that the Commander is, in practice, responsible (through a Minister or equivalent) to the Bougainville Interim Provincial Government, and, when it is established, the autonomous Bougainville Government.

238. The National Government and the autonomous Bougainville Government will develop a recruitment and training plan for building Bougainville Police capacity.

239. The RPNGC and the Bougainville Police will give reasonable consideration to the transfer of RPNGC personnel in Bougainville who wish to serve elsewhere in Papua New Guinea and the integration or secondment into the Bougainville Police of those members of the RPNGC who wish to serve in the Bougainville Police.

240. The National Police Act will continue to apply in Bougainville, subject to necessary modifications, until the autonomous Bougainville Government passes its own legislation concerning police.

Pages 72-73; E. WEAPONS DISPOSAL; 1. ENDORSEMENT OF WEAPONS DISPOSAL PLAN, PEACE PROCESS CONSULTATIVE COMMITTEE (PPCC) RESOLUTION ON WEAPONS DISPOSAL; Verification and Other Practical Considerations

10. [...]

(e) The National Government assures the PPCC it will not redeploy members of the Defence Force or the Police Mobile Units in new areas or areas from which they have been withdrawn.

tr_edu Education Reform

Page 30-31; B. AUTONOMY; 6. AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE; (h) TELECOMMUNICATIONS

tr_med Media Reform

93. The parties agree on the need to facilitate the development of a telecommunications system capable of reaching people throughout Bougainville, and will co-operate to bring about the development of such a system, including such private sector participation as may be appropriate and agreed.

94. The regulatory and legislative regime, including licensing, administered by PANGTEL will apply to the development of telecommunications in Bougainville, unless the National Government and the autonomous Bougainville Government otherwise agree.

95. Within the PANGTEL legislative and regulatory regime, the autonomous Bougainville Government may itself or by agreement with a third-party telecommunications carrier provide telecommunications services in Bougainville.

96. The National Government and the autonomous Bougainville Government will consult with a view to ensuring that Bougainville's interests are taken into account —

(a) in respect of privatization or changes to the legislative and regulatory regime for telecommunications; and

(b) if the autonomous Bougainville Government wishes to increase the powers and functions available to it in relation to telecommunications in Bougainville, bearing in mind available technology, the economic interests of other parts of Papua New Guinea, and relevant aspects of national security.

97. In the event that the autonomous Bougainville Government sees a need to change existing laws and policy or wishes to assume additional powers and functions in respect of telecommunications, the autonomous Bougainville Government or the National Government may refer the matter to the joint supervisory body.

98. The joint supervisory body may, by agreement, appoint a panel of experts to prepare a report, bearing in mind the mutual benefits Bougainville and the rest of Papua New Guinea seek to pursue through their joint creation of the agreed autonomy arrangement as a whole.

99. The membership of the panel will be mutually agreed; the costs will be shared; the report, which will be submitted by an agreed date, may be tabled in the National Parliament and the Bougainville legislature.

100. (a) Any proposal for a telecommunications carrier in Bougainville to develop its own international links will be subject to the national legislative and regulatory regime.

(b) Any differences between the autonomous Bougainville Government and the National Government over such a proposal or a relevant provision of the legislative and regulatory regime will be resolved through consultation, the expert panel and, if differences persist, through the agreed dispute resolution procedure.

Page 8-9; INTRODUCTION AND OUTLINE; 3. Weapons Disposal Plan

The agreed weapons disposal plan will proceed in stages, area by area around Bougainville, beginning as soon as is practicable.

After the constitutional amendments implementing this Agreement have been passed by the National Parliament and by the time they take legal effect, remaining Defence Force and Police Mobile Unit personnel will have been withdrawn from Bougainville and weapons will be held in secure containers. [...]

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Demobilization,
Disarmament &
Reintegration

Page 26-27; B. AUTONOMY; 6. AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE; a) DEFENCE; Other Activities

64. After the withdrawal of the PNGDF from Bougainville in accordance with the agreed weapons disposal plan, other PNGDF activities in Bougainville will be on a co-operative basis following consultation between the autonomous Bougainville Government and the National Government.

65. (a) The parties will conclude an agreed arrangement that, in respect of land-based activities and facilities in Bougainville, they accept that –
(i) the PNGDF requires immediate access to wharves, airfields, refueling, stores and associated facilities;

- (ii) the National Government has no immediate plans for the PNGDF to have facilities, a base or a permanent presence in Bougainville after phased withdrawal in implementation of the agreed plan for weapons disposal;
- (iii) the National Government will consult the autonomous Bougainville Government before finalising any plans to develop any of the above for the PNGDF in Bougainville; and
- (iv) PNGDF personnel in Bougainville after phased withdrawal in implementation of the agreed weapons disposal plan will be unarmed.

Page 67; C. AGREED PRINCIPLES ON REFERENDUM

324. Agreed plans for weapons disposal will be fully implemented before elections for the autonomous Bougainville Government are held.

Page 69-73; E. WEAPONS DISPOSAL

1. ENDORSEMENT OF WEAPONS DISPOSAL PLAN

329. The Parties endorse the weapons disposal plan developed with ex-combatants and contained in the Resolution on Weapons Disposal adopted by the Peace Process Consultative Committee (PPCC) on 9th May 2001 (set out in the following pages), and will regard implementation in full accordance with the Plan as representing mutually acceptable compliance with the last paragraph of the Agreed Principles on Referendum (set out above).

PEACE PROCESS CONSULTATIVE COMMITTEE (PPCC) RESOLUTION ON WEAPONS DISPOSAL

Introduction

1. The PPCC welcomes the way in which the Bougainville Revolutionary Army (BRA) and the Bougainville Resistance Force (BRF) have come together, and acknowledges the positive foundation the Rotokas Record establishes for a comprehensive weapons disposal plan for Bougainville that is acceptable to all parties.
[...]

PPCC Sub-Committee

3. (a) The PPCC hereby establishes a sub-committee to develop, manage and implement weapons disposal in accordance with this Resolution. The agreed membership of the sub-committee will be as follows:

Chairman: Director, United Nations Observer Mission on Bougainville (UNOMB), or his representative

Deputy Chair: Commander, Peace Monitoring Group (PMG), or his representative

Representatives of the following: the National Government, the BRA, the BRF

(b) The sub-committee may, by agreement, co-opt other members, including representatives of other groups.

4 (a) The sub-committee will seek support for, and co-ordinate:
i. an active joint programme to promote public awareness, understanding and support of weapons disposal;
ii. development and implementation of this Resolution, including mechanisms to ensure location, identification, control, withdrawal from the community and secure storage of weapons, with special regard for factory-made arms and ammunition;
iii. means of ensuring the full and accurate recording of weapons, and securing the co-operation and participation by individuals and other groups.

(b) The sub-committee shall take such account of the need for confidentiality as the parties may require for security at stage 1.

(c) The sub-committee shall resolve such differences as may arise in relation to implementation under this Resolution.

Implementation

5. Weapons disposal will be implemented in stages.

Stage 1

6. Stage 1 will begin immediately, initially in areas where there is no Defense Force or Police Mobile Unit presence. It will proceed in all areas as follows:

(1) Councils of Chiefs/Elders will inform UNOMB when the people in a particular area are ready for ex-combatants to disarm and reintegrate into the community, remaining Defense Force and Police Mobile Units to withdraw, and weapons to be securely contained;

(2) UNOMB will inform the PPCC sub-committee;

(3) the National Government will be advised and take appropriate steps to arrange for Defense Force and Police Mobile Unit personnel to withdraw from that area;

(4) weapons will be handed in to BRA and BRF unit commanders, who will store them securely in containers provided through the PPCC and sealed for purposes of verification by UNOMB.

Note: BRA and BRF structures are outlined in Attachment 1.

Stage 2

7. (a) After implementation of stage 1 in any area, stage 2 will begin in that area with the delivery of weapons to company commanders, who will place them in secure containers at a small number of central locations.

(b) When and if amendments to the National Constitution to implement the comprehensive agreement are ready for certification, the weapons will be held in containers under UNOMB supervision and secured by two locks – with one key held by the relevant commander and the other held by UNOMB – pending a final decision on the ultimate fate of the weapons.

(c) The Bills to amend the National Constitution will provide for the constitutional amendments to take effect on verification by UNOMB that the weapons are in secure, double-locked containers under its supervision.

Stage 3: Final Fate of the Weapons

8. (a) A decision on the final fate of the weapons should be made within 4 1/2 months of the coming into effect of the constitutional amendments. If no decision is made, the Parties will meet with a view to reaching agreement on whether or not the elections should be delayed, taking into account whether or not there has been genuine handing in of weapons and the level of security of the weapons.

(b) In any event, any of the parties may call on the UNOMB with the assistance of the PMG to verify and certify whether there has been substantial compliance by the parties in the handing in of weapons and whether the level of security of the weapons makes it conducive to holding the elections.

(c) UNOMB's report will be presented to, and considered by, the PPCC.

(d) The Bougainville parties will be bound by UNOMB's findings on whether or not the first election for the autonomous Bougainville Government will be deferred, and the length of any deferral.

Verification and Other Practical Considerations

9. (a) UNOMB will carry out such inspections and inquiries as its representative considers necessary at each stage, verify the collection and storage of weapons, and report its findings regularly, frequently and fully to the PPCC, with respect for such confidentiality as may be required.

(b) The parties will co-operate with each other and UNOMB to ensure that UNOMB can carry out its responsibilities under this Resolution efficiently and effectively.

10. (a) Weapons that have been handed in will not be reissued.

(b) Ex-combatants will not attempt to rearm.

(c) Keys will be kept securely by those to whom they are entrusted, and not handed over to anyone else.

(d) The parties will respect and co-operate in promoting wider respect for the security of containers, keys and those who are responsible for them under this Resolution.

(e) The National Government assures the PPCC it will not redeploy members of the Defence Force or the Police Mobile Units in new areas or areas from which they have been withdrawn.

International Aspects

11. The National Government will seek the agreement of the United Nations Security Council for UNOMB to carry out the responsibilities specified in this Resolution,

12. The National Government will request the states that contribute to the Peace Monitoring Group (PMG) to (1) provide technical assistance, (2) agree to the PMG's support, for implementation of this Resolution.

13. The National Government will seek the assistance of foreign development co-operation partners in developing and implementing a programme to assist in the reintegration and rehabilitation of ex-combatants.

Reconciliation

14. Recognising that weapons disposal and reconciliation are both mutually reinforcing and necessary to lasting peace by peaceful means, the parties undertake to co-operate in promoting reconciliation among ex-combatants and in the wider community, and restoration of civil authority in Bougainville.

Page 79-80; F. OTHER MATTERS; 3. RECONCILIATION AND UNIFIED STRUCTURES FOR BOUGAINVILLE; (b) BOUGAINVILLE COMMITMENT TO UNIFIED STRUCTURES

344. The parties agree that:

[...]

(b) the former combatant groups should be disbanded as soon as they no longer have a role in relation to implementation of the weapons disposal plan provided for under this Agreement;

(c) commanders and members of the former combatant groups should sign the Statement of Commitment to Unified Structures attached to this Agreement.

STATEMENT OF COMMITMENT TO UNIFIED STRUCTURES (Annex to the BOUGAINVILLE PEACE AGREEMENT)

We, commanders and members of the former combatant groups, acting on behalf of those groups and speaking on behalf of their members, agree to the following things:

[...]

(b) We are committed to the former combatant groups being disbanded as soon as they no longer have a role in relation to implementation of the weapons disposal plan provided for under the Bougainville Peace Agreement.

Page 8-9; INTRODUCTION AND OUTLINE

2. Referendum

The referendum will be held no sooner than ten years, and in any case no later than fifteen years, after the election of the autonomous Bougainville Government.

3. Weapons Disposal Plan

A decision on the final fate of the weapons should be taken within four and a half months of the constitutional amendments coming into effect.

Page 61; B. AUTONOMY; 13. JUDICIARY; Phased Implementation Plan

293. The National Government and the autonomous Bougainville Government will develop and implement a plan for restoring and building the capacity of courts in Bougainville, including courts at village level, as provided in the Lincoln Agreement.

Page 71-72; E. WEAPONS DISPOSAL; PEACE PROCESS CONSULTATIVE COMMITTEE (PPCC) RESOLUTION ON WEAPONS DISPOSAL

Implementation

5. Weapons disposal will be implemented in stages.

Stage 1

6. Stage 1 will begin immediately, initially in areas where there is no Defense Force or Police Mobile Unit presence. It will proceed in all areas as follows:

(1) Councils of Chiefs/Elders will inform UNOMB when the people in a particular area are ready for ex-combatants to disarm and reintegrate into the community, remaining Defense Force and Police Mobile Units to withdraw, and weapons to be securely contained;

(2) UNOMB will inform the PPCC sub-committee;

(3) the National Government will be advised and take appropriate steps to arrange for Defense Force and Police Mobile Unit personnel to withdraw from that area;

(4) weapons will be handed in to BRA and BRF unit commanders, who will store them securely in containers provided through the PPCC and sealed for purposes of verification by UNOMB.

Note: BRA and BRF structures are outlined in Attachment 1.

Stage 2

7. (a) After implementation of stage 1 in any area, stage 2 will begin in that area with the delivery of weapons to company commanders, who will place them in secure containers at a small number of central locations.

(b) When and if amendments to the National Constitution to implement the comprehensive agreement are ready for certification, the weapons will be held in containers under UNOMB supervision and secured by two locks – with one key held by the relevant commander and the other held by UNOMB – pending a final decision on the ultimate fate of the weapons.

(c) The Bills to amend the National Constitution will provide for the constitutional amendments to take effect on verification by UNOMB that die weapons are in secure, double-locked containers under its supervision.

Stage 3: Final Fate of the Weapons

tr_tim

Transitional
Timeline

8. (a) A decision on the final fate of the weapons should be made within 4 1/2 months of the coming into effect of the constitutional amendments. If no decision is made, the Parties will meet with a view to reaching agreement on whether or not the elections should be delayed, taking into account whether or not there has been genuine handing in of weapons and the level of security of the weapons.

(b) In any event, any of the parties may call on the UNOMB with the assistance of the PMG to verify and certify whether there has been substantial compliance by the parties in the handing in of weapons and whether the level of security of the weapons makes it conducive to holding the elections.

(c) UNOMB's report will be presented to, and considered by, the PPCC.

(d) The Bougainville parties will be bound by UNOMB's findings on whether or not the first election for the autonomous Bougainville Government will be deferred, and the length of any deferral.

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Electoral & Political
Party Reform

Page 23; B. AUTONOMY; 5. DIVISION OF POWERS AND FUNCTIONS, TWO LIST SYSTEM FOR DIVIDING POWERS AND FUNCTIONS; National Government List of Powers and Functions

50. Consistent with national sovereignty, the National Government will exercise powers and functions on the National Government list in relation to Papua New Guinea as a whole, including Bougainville.

51. The agreed National Government list is as follows:

[...]

- Immigration;
- Highly migratory and straddling fish stocks;
- Central Banking;
- Currency;
- International civil aviation;
- International shipping
- International trade;
- Posts;
- Telecommunications;

[...]

tr_dev

Socio-Economic
Development

Page 24; B. AUTONOMY; 5. DIVISION OF POWERS AND FUNCTIONS; Bougainville List of Powers and Functions

53. The Bougainville list will include the power to decide on foreign investment applications for Bougainville, and the autonomous Bougainville Government may establish its own administrative mechanism in relation to foreign investment matters for Bougainville.

Page 26; B. AUTONOMY; 6. AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE; (a) DEFENCE

Maritime and Border Surveillance. Search and Rescue, Assistance in Natural Disasters, etc.

62. (a) The PNGDF will continue to assist in meeting Papua New Guinea's international obligations as well as carrying out maritime and border surveillance and enforcement.

(b) The National Government will be able to send PNGDF personnel to Bougainville for purposes of search and rescue and assistance in natural disasters and other humanitarian emergencies in response to requests from

the autonomous Bougainville Government, or by giving prior notice to agreed points of contact in Bougainville.

Other Activities

66. The parties will meet at an early, mutually convenient time to consider developing an agreed plan for civic action by the PNGDF to assist in restoration and development in Bougainville.

Page 29; B. AUTONOMY; 6. AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE; (b) FOREIGN RELATIONS; Sporting and Trade Missions

79. The two Governments will consult over appropriate forms of cooperation for Bougainville to participate or engage in international cultural exchanges; trade, investment and tourism promotion; and sport.

Pages 29-30; B. AUTONOMY; 6. AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE

(c) IMMIGRATION - VISAS AND WORK PERMITS

80. The autonomous Bougainville Government may recommend names to the National Government for inclusion on or removal from the Visa Warning List

81. Applications for Work Permits and Employment Visas for Bougainville will be referred by the relevant National Government agency to the autonomous Bougainville Government for recommendation.

82. The autonomous Bougainville Government may submit lists of occupations and industries for which Work Permits and Employment Visas should not be issued for Bougainville.

83. The autonomous Bougainville Government will establish appropriate machinery for implementation, including the sharing of information.

(d) QUARANTINE

84. The autonomous Bougainville Government may act as agent for the National Government in providing quarantine services

(e) FISHERIES

85. The National Government will provide for the autonomous Bougainville Government to be represented on:

a) delegations negotiating access and other fisheries agreements regarding Bougainville waters and waters beyond the guaranteed three nautical mile limit and within the Exclusive Economic Zone and the continental shelf associated with Bougainville territory; and

b) bodies responsible for determining total allowable catches, licence numbers and reservation of licenses for domestic fishers in such waters.

86. An agreed formula (based on derivation less costs) will provide for National Government fishing revenues from fishing in those waters to be distributed to the autonomous Bougainville Government.

87. The autonomous Bougainville Government will decide on the allocation of an agreed quota of domestic fishing licenses for highly migratory and straddling fish stocks.

88. The autonomous Bougainville Government will be responsible for the sustainable management of other fisheries in Bougainville's waters.

(f) CENTRAL BANKING RESPONSIBILITIES

89. The National Government will make its best efforts to assist the autonomous Bougainville Government assume powers to supervise non-banking financial institutions.

90. The National Government will make its best efforts to assist in the establishment of a commercial bank in Bougainville.

91. As part of the agreed review process, the National Government and the autonomous Bougainville Government will consult on what other central banking responsibilities it might be appropriate for Bougainville to assume after fiscal self-reliance. The National Government will then make its best efforts to assist Bougainville assume those powers agreed upon.

(g) INTERNATIONAL CIVIL AVIATION. INTERNATIONAL SHIPPING, INTERNATIONAL TRADE, AND POSTS

92. The National Government will delegate control of aspects of international civil aviation, international shipping, international trade, and posts to the autonomous Bougainville Government, including:

- (a) management of non-aviation aspects of airport terminals in Bougainville;
- (b) management of postal services;
- (c) issuing of Bougainville stamps, provided they display the words "Papua New Guinea"; and
- (d) other aspects as may be agreed from time to time.

(h) TELECOMMUNICATIONS

93. The parties agree on the need to facilitate the development of a telecommunications system capable of reaching people throughout Bougainville, and will co-operate to bring about the development of such a system, including such private sector participation as may be appropriate and agreed.

[...]

Page 35; B. AUTONOMY; 7. TRANSFER OF POWERS AND FUNCTIONS; (b) ASSOCIATED ARRANGEMENTS; Privatisation Issues

120. The National Government will use its best endeavours to ensure that any future privatisation takes account of the agreed autonomy arrangements.

121. The National Government will use its best endeavours to ensure that any future privatisation takes account of the need to rebuild the infrastructure of Bougainville following the crisis, and may take steps to ensure that community service obligations relating to Bougainville, including restoration and development, are recognised by purchasers of privatised assets in Bougainville.

122. The National Government will use its best endeavours to ensure that potential purchasers are made aware of the capacity of the autonomous Bougainville Government to develop laws and policies that might impact on the operation of proposed privatised enterprises, and of the sensitive nature of unresolved issues regarding the economic and property rights of Bougainvilleans and their ability to participate in economic activity in Bougainville.

Page 40-42; B. AUTONOMY; 9. FINANCIAL ARRANGEMENTS

(c) GRANTS SYSTEM

149. Until the autonomous Bougainville Government becomes fiscally self-reliant, the National Government will provide grants to the autonomous Bougainville Government, including the following kinds of grants:

- (a) recurrent unconditional grants;
- (b) restoration and development grants;
- (c) specific purpose conditional grants, including the recurrent grant for policing; and
- (d) the one-off Establishment Grant.

150. As the autonomous Bougainville Government's revenue increases, grants will decrease according to an agreed set of factors.

(d) RECURRENT GRANTS

151. The autonomous Bougainville Government will receive an annual unconditional grant to cover the recurrent costs of functions for which it is responsible including funding of newly transferred powers and functions, based on their costs.

152. The funding of maintenance and operational costs of former development projects will be subject to consultation when funding is sought for new projects.

153. These consultations will be based on mutual recognition of constraints on the National Government, the particular situation in Bougainville during the early phases of restoration, and cost sharing

154. The grant will be adjusted annually in the same manner as annual grants for a provincial government activity under the Organic Law on Provincial Governments and Local-level Governments - that is, by the percentage increase or decrease in the cost of living or by the percentage increase or decrease in the payments to the Consolidated Revenue Fund in the year two years before the year of grant.

155. The calculation and timely payment of the grant will be guaranteed by law (debt servicing and salary obligations must be paid first).

156. The grant will be cut only if seriously adverse economic conditions arise, requiring "across the board" cuts to the National Budget and by no more than the average of these cuts.

157. In years when overall public expenditures increase, the National Government will do its best to increase the recurrent grant to balance any cuts in previous years.

158. The autonomous Bougainville Government will have full control over use of this grant.

159. The autonomous Bougainville Government will prepare plans and consult the National Government in cases where it wants to reallocate funds in ways which affect the continued employment of public servants or other forward commitments.

(e) RESTORATION AND DEVELOPMENT GRANT

160. The autonomous Bougainville Government will receive an annual restoration and development grant no less than the 2001 Public Investment Programme (PIP) and adjusted upwards pro rata in accordance with the National PIP averaged over a rolling five year period.

161. An agreed Bougainville-controlled mechanism, including both Bougainville and National Government representation, will be established to coordinate the restoration and development program in Bougainville.

162. The National Government representation in that mechanism will be subject to review in the future review process.

(f) CONDITIONAL GRANTS

163. The National Government may offer to the autonomous Bougainville Government, conditional grants, for purposes:

- (a) proposed by the National Government after consultation with the autonomous Bougainville Government and implemented after consultation and agreement between the Governments; or
- (b) provided for in this Agreement.

(g) BORROWINGS - REVENUE RAISINGS

164. The autonomous Bougainville Government will have the power to raise loans after consultation with the National Government.

customs duties in Bougainville; and after self-reliance, through a revenue-sharing formula.

136. Except as otherwise provided the additional costs involved in establishing and maintaining the agreed autonomy arrangements will be shared between the autonomous Bougainville Government and the National Government.

(b) TAXATION

137. The National Government will support the autonomous Bougainville Government in moving towards the goal of fiscal self-reliance, defined as the year in which the revenue from company tax, 70 per cent of Value Added Tax and customs duties is equal to the value of the recurrent grant on a sustainable basis.

138. (a) Revenue from company tax, customs duties and 70 per cent of Value Added Tax collected in Bougainville will go to a trust account for Bougainville and be credited against the recurrent grant at least until Bougainville achieves financial self-reliance.

(b) "Company tax" is understood for this purpose as tax on profits of companies whose principal place of business or main business activity is in Bougainville.

139. (a) When the autonomous Bougainville Government achieves fiscal self-reliance, revenues from these sources (in excess of the costs of recurrent activities calculated in accordance with the recurrent grant formula) will be shared between the National Government and the autonomous Bougainville Government so as contribute to both National and Bougainville development.

(b) The 5-yearly reviews of financial arrangements should be used to consider the issues involved in revenue sharing.

140. The National Government will continue to impose and collect personal income tax in accordance with the provisions below until such time as restoration is achieved.

141. (a) Revenue from personal income tax collected from Bougainville will be paid directly to a trust account for the autonomous Bougainville Government and distributed to the autonomous Bougainville Government on its request to be used to support development in Bougainville.

(b) The autonomous Bougainville Government will have the power to adjust the rate of personal income tax to apply in Bougainville by no more than five per cent.

142. The autonomous Bougainville Government will assume the powers and functions to impose, set rates of, and collect personal income tax when restoration is achieved.

143. Revenues from all other existing National Government taxes (including 30 per cent of Value Added Tax) collected in Bougainville will be paid direct to the autonomous Bougainville Government

144. The National Government will retain the power to set rates for company tax, Value Added Tax and customs. But after fiscal self reliance the autonomous Bougainville Government will have power to set rates and collect company tax; provided that the effective rates of company tax will not vary from the National Government's rate by more than five percentage points.

145. The autonomous Bougainville Government will have power to set rates or establish its own tax regime for all other existing National Government taxes (e.g. export tax, excise) and all taxes that have been available to provincial governments under the National Constitution.

146. The Internal Revenue Commission will initially collect all taxes for the autonomous Bougainville Government but the autonomous Bougainville Government will have the power to establish its own tax office to collect Bougainville taxes as well as, by agreement, company tax, Value Added Tax, and customs duties.

147. The autonomous Bougainville Government will be eligible for tax incentives available in the Income (Company) Tax Act.

148. Both the National Government and the autonomous Bougainville Government will have the right to audit taxes paid into the above trust accounts or collected on behalf of the other.

(c) GRANTS SYSTEM

149. Until the autonomous Bougainville Government becomes fiscally self-reliant, the National Government will provide grants to the autonomous Bougainville Government, including the following kinds of grants:

- (a) recurrent unconditional grants;
- (b) restoration and development grants;
- (c) specific purpose conditional grants, including the recurrent grant for policing; and
- (d) the one-off Establishment Grant.

150. As the autonomous Bougainville Government's revenue increases, grants will decrease according to an agreed set of factors.

(d) RECURRENT GRANTS

151. The autonomous Bougainville Government will receive an annual unconditional grant to cover the recurrent costs of functions for which it is responsible including funding of newly transferred powers and functions, based on their costs.

152. The funding of maintenance and operational costs of former development projects will be subject to consultation when funding is sought for new projects.

153. These consultations will be based on mutual recognition of constraints on the National Government, the particular situation in Bougainville during the early phases of restoration, and cost sharing

154. The grant will be adjusted annually in the same manner as annual grants for a provincial government activity under the Organic Law on Provincial Governments and Local-level Governments - that is, by the percentage increase or decrease in the cost of living or by the percentage increase or decrease in the payments to the Consolidated Revenue Fund in the year two years before the year of grant.

155. The calculation and timely payment of the grant will be guaranteed by law (debt servicing and salary obligations must be paid first).

156. The grant will be cut only if seriously adverse economic conditions arise, requiring "across the board" cuts to the National Budget and by no more than the average of these cuts.

157. In years when overall public expenditures increase, the National Government will do its best to increase the recurrent grant to balance any cuts in previous years.

158. The autonomous Bougainville Government will have full control over use of this grant.

159. The autonomous Bougainville Government will prepare plans and consult the National Government in cases where it wants to reallocate funds in ways which affect the continued employment of public servants or other forward commitments.

(e) RESTORATION AND DEVELOPMENT GRANT

160. The autonomous Bougainville Government will receive an annual restoration and development grant no less than the 2001 Public Investment Programme (PIP) and adjusted upwards pro rata in accordance with the National PIP averaged over a rolling five year period.

161. An agreed Bougainville-controlled mechanism, including both Bougainville and National Government representation, will be established to coordinate the restoration and development program in Bougainville.

162. The National Government representation in that mechanism will be subject to review in the future review process.

(f) CONDITIONAL GRANTS

163. The National Government may offer to the autonomous Bougainville Government, conditional grants, for purposes:

- (a) proposed by the National Government after consultation with the autonomous Bougainville Government and implemented after consultation and agreement between the Governments; or
- (b) provided for in this Agreement.

(g) BORROWINGS - REVENUE RAISINGS

164. The autonomous Bougainville Government will have the power to raise loans after consultation with the National Government.

165. Domestic borrowing by the autonomous Bougainville Government will comply with Central Bank regulation of the banking system.

166. Overseas borrowings will require Central Bank approval.

167. Any proposed deficit in the Bougainville budget will require approval of the National Government Minister responsible for financial matters.

(h) ESTABLISHMENT GRANT

168. The National Government will mobilise funds for a 'one-off establishment grant to the autonomous Bougainville Government, which may disburse it over more than one year.

169. The establishment grant will be additional to all other grants.

170. The autonomous Bougainville Government will use the revenue raised from personal income tax and excise in Bougainville in the first year of autonomy as counterpart funding for the establishment grant.

171. This revenue will be used for development purposes decided by the autonomous Bougainville Government.

[...]

(j) FISCAL ACCOUNTABILITY

178. The National Constitution will set out the requirements within which the Bougainville Constitution will establish a framework for orderly management of the autonomous Bougainville Government's financial and other resources.

179. This framework will include requirements that the autonomous Bougainville Government will do the following in accordance with law:

- (a) raise revenues, including loans, and manage National Government grants;
- (b) approve and administer annual budgets (and, where appropriate, supplementary budgets), comprising estimates of revenue and expenditure, and appropriations for the main functions of government;
- (c) make expenditures;
- (d) maintain proper transparent and accurate accounts, compatible with international standards;
- (e) ensure that accounts are subject to regular audits additional to audits by the National Auditor-General (or his agents); and
- (f) provide for a public accounts committee in the Bougainville legislature, which shall receive, consider and make recommendations on auditors' reports.

180. The National Public Finance Management Act will continue to apply to the autonomous Bougainville Government's finances until and unless the

autonomous Bougainville Government makes a Bougainville law (or laws) in accordance with the framework for management of financial and other resources.

181. The Bougainville Constitution may make provision for exceptional circumstances in which the autonomous Bougainville Government may find it necessary to raise revenues or make public expenditures without the Bougainville legislature's prior approval (for example, if the budget for a particular year is not passed in good time).

182. Grants provided to the autonomous Bougainville Government will be subject to audit by the Auditor-General established under the National Constitution.

(k) FOLLOW-UP TO AUDITS

183. Should any audit carried out by the National Government pursuant to this agreement disclose systematic and widespread abuse (or misuse) of funding provided to the autonomous Bougainville Government by way of Recurrent or Conditional Grant then the following steps will take place -
[...]

Page 51; 10. PERSONNEL; (c) POLICE; Funding

229. (a) The National Government will provide the autonomous Bougainville Government with funding by way of guaranteed annual conditional grants for the specific purpose of meeting the recurrent costs of policing in Bougainville.

(b) The minimum grant will be sufficient to support existing levels of police activities in Bougainville.

(c) The grant will be adjusted annually on the same basis as the adjustment of the recurrent grant.

230. The National Government will provide the autonomous Bougainville Government with guaranteed conditional grants intended to:

(a) restore civilian peacetime policing in Bougainville, one measure to be the reaching of normal levels of policing elsewhere in Papua New Guinea, such funding to be taken into account in the calculation of the amount of the grant for recurrent costs of policing in subsequent years;

(b) provide for further development of policing services in Bougainville.

231. Grants to the autonomous Bougainville Government in relation to policing will be taken into account when determining progress towards fiscal self-reliance by the autonomous Bougainville Government.

232. The additional costs of establishing and maintaining the Bougainville Police outside the RPNGC will be equitably shared between the National Government and the autonomous Bougainville Government.

Page 54-55; 10. PERSONNEL; (d) CORRECTIONAL INSTITUTIONAL SERVICES; Funding

253. The recurrent costs of the Bougainville CIS will be met from the annual unconditional recurrent grant to the autonomous Bougainville Government.

254. The National Government will provide the autonomous Bougainville Government with guaranteed conditional grants intended to:

(a) support restoration of civil authority in Bougainville, one measure to be the reaching of normal levels of CIS elsewhere in Papua New Guinea, such funding to be taken into account in the calculation of the amount of the recurrent grant in subsequent years;

(b) provide for further development of CIS in Bougainville.

255. The additional costs of establishing and maintaining the Bougainville CIS outside the National CIS will be equitably shared between the National Government and the autonomous Bougainville Government.

Page 63; B. AUTONOMY; 15. REGULAR REVIEWS OF AUTONOMY ARRANGEMENTS

299. The five-yearly, joint review of the autonomy arrangements will follow and consider separate reviews by independent experts of particular aspects, including:

(a) the financial arrangements - grants, taxes and progress towards financial self-reliance.

Page 24; B. AUTONOMY; 5. DIVISION OF POWERS AND FUNCTIONS: TWO LIST SYSTEM FOR DIVIDING POWERS AND FUNCTIONS; Bougainville to Respect National Government's International Obligations

56. The National Government and the autonomous Bougainville Government will resolve any differences over Papua New Guinea's obligations arising from generally accepted rules of international law through the agreed dispute resolution procedures.

Page 24-25; B. AUTONOMY; 5. DIVISION OF POWERS AND FUNCTIONS: TWO LIST SYSTEM FOR DIVIDING POWERS AND FUNCTIONS; Subjects Not Now Known or Identified

57. Consistent with the agreed process for the transfer of powers, any subject not listed on either list will remain initially with the National Government, provided that:

(a) where either of the Governments wishes to legislate on a subject which is not clearly on either list, it will consult the other with a view to reaching agreement on which government should be responsible for the subject;

(b) if either Government passes a law on an unlisted subject, then the other may, if it disagrees, contest it through the agreed dispute settlement procedures;

(c) any dispute over which of the Governments is responsible for a power or function will be resolved by applying the principles governing the division of powers in this Agreement.

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Dispute Settlement
Mechanisms

Page 27; B. AUTONOMY; 6. AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE; (a) DEFENCE; Other Activities

65. [...]

(b) While the agreed arrangement will not be embodied in the National Constitution or an Act of the National Parliament, any disputes over it may be subject to the agreed disputes resolution procedures.

Page 27; B. AUTONOMY; 6. AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE; (a) DEFENCE; Implementation

68. [...]

(b) Consultations and resolution of any disputes over defence will be in accordance with these provisions and the agreed dispute resolution procedures.

Page 31; B. AUTONOMY; 6. AGREED ARRANGEMENTS CONCERNING EXERCISE OF NATIONAL GOVERNMENT POWERS IN RELATION TO BOUGAINVILLE; (h) TELECOMMUNICATIONS

100. [...]

(b) Any differences between the autonomous Bougainville Government and the National Government over such a proposal or a relevant provision of the legislative and regulatory regime will be resolved through consultation, the expert panel and, if differences persist, through the agreed dispute resolution procedure.

Page 32-33; B. AUTONOMY; 7. TRANSFER OF POWERS AND FUNCTIONS; (a) PROCESS FOR TRANSFER; Implementation

105. [...]

(b) Any differences over such links or transfers will be resolved through the agreed dispute resolution procedure.

108. If differences arise in reaching agreement, implementing a plan, or as to whether the capacity or circumstances should delay the transfer, then either Government may seek to resolve the issues in dispute through the agreed dispute resolution procedures.

109. In addition to other agreed dispute resolution procedures, such procedures may include an agreement to appoint a panel of independent experts to make recommendations on issues concerning capacity or economic circumstances or the content or implementation of a plan.

111. The report of the panel of experts may then be taken into account in the dispute settlement process.

Page 33; B. AUTONOMY; 7. TRANSFER OF POWERS AND FUNCTIONS; (a) PROCESS FOR TRANSFER; National and Regional Institutions and Services

113. If differences arise over whether personnel, assets or funding of an institution or service can be readily divided or in agreeing or implementing a plan or agreement for shared access or use, they will be resolved through the agreed dispute resolution procedure.

Page 44; B. AUTONOMY; 9. FINANCIAL ARRANGEMENTS; (k) FOLLOW-UP TO AUDITS

183. Should any audit carried out by the National Government pursuant to this agreement disclose systematic and widespread abuse (or misuse) of funding provided to the autonomous Bougainville Government by way of Recurrent or Conditional Grant then the following steps will take place -

[...]

(g) should the National Government or the autonomous Bougainville Government disagree on reasonable grounds as to the recommendations, or should there be a dispute as to whether the autonomous Bougainville Government has implemented the recommendations, recourse may be had to the agreed dispute resolution procedures.

Page 49; B. AUTONOMY; 10. PERSONNEL; (c) POLICE; Functions of Bougainville Police

217. Any differences about agreed arrangements will be resolved through the agreed dispute resolution procedures.

Page 57; 11. INTERGOVERNMENTAL RELATIONS; Joint Supervisory Body

263. The autonomous Bougainville Government and the National Government will consult over implementation of autonomy through a joint supervisory body, which will also be used to consult with a view to resolving any disputes.

264. The joint supervisory body (whose name will be mutually determined) will consist of equal numbers of members representing the National Government and the autonomous Bougainville Government; its functions will be to:
[...]
(d) resolve any differences or disputes.

Page 57; 11. INTERGOVERNMENTAL RELATIONS; Settling Disputes

265. The autonomous Bougainville Government and the National Government will try to resolve disputes by consultation, or, where required, through mediation or arbitration.

266. If a dispute cannot be resolved in one of the above ways, then it may be taken to court.
Dispute Settlement Mechanisms

267. The details of dispute resolution procedures, including their application to particular provisions, will be specified and integrated during drafting of Constitutional Laws to give legal effect to this Agreement.

Page 58; 11. INTERGOVERNMENTAL RELATIONS; Consultations

269. If consultation is required it will proceed through the following steps:
(a) timely communication of views in writing to a specified point of contact;
(b) adequate opportunity to respond in a similar way;
(c) where there are differences, meaningful exchange of views within an adequate, agreed or specified time-frame, either orally or in writing, with a view to reaching agreement; and
(d) clear, written record of outcome (either agreement or different views), provided for all parties.

Page 66; C. AGREED PRINCIPLES ON REFERENDUM

322. The agreed dispute resolution mechanism will be used to resolve any differences concerning any issues related to holding the referendum, including issues concerning the questions or method of choice in referendum, and the actual date of the referendum.

Page 68; D. AMENDMENT OF CONSTITUTIONAL ARRANGEMENTS FOR AUTONOMY AND REFERENDUM

327. The National Government and the autonomous Bougainville Government will inform each other of any proposed amendments; consult over them through the agreed consultation procedures or the agreed five-yearly reviews before they are formally moved (or, in the case of Private Members' Bills put to the vote for the first time); and resolve any differences through the agreed dispute resolution procedures.

Page 77; F. OTHER MATTERS; 2. RESOLVING DISPUTES DURING IMPLEMENTATION

332. In the period leading up to the establishment of the autonomous Bougainville Government, the parties will consult with a view to avoiding disputes and resolving such differences as may arise over implementation of this Agreement.

333. The means by which differences may be resolved may, by agreement, involve the assistance of a mutually acceptable, neutral third party, with reference to a court in appropriate cases as a last resort.
[...]

Page 3; AIDE MEMOIRE; Presentation of the Bougainville Peace Agreement, and Formal Request for Assistance in Implementation by the United Nations Political Office/ Observer Mission in Bougainville Papua New Guinea (UNPOB / UNOMB)

6. The details of the role that the Agreement foresees for UNPOB / UNOMB in relation to implementation of the agreed weapons disposal is for UNPOB / UNOMB to –

(1) chair the sub-committee to be established to develop, manage and implement weapons disposal on behalf of the Peace Process Consultative Committee (PPCC); and

(2) participate in implementation as follows:
[...]

Stage 3 - when the decision on the final fate of the weapons is made, be available to verify and certify, with the assistance of the neutral, regional Peace Monitoring Group, whether there has been substantial compliance in the handing in of weapons and whether the level of security makes it conducive to hold the first elections for the autonomous Bougainville Government, and to report to the PPCC on whether the elections should be deferred, and the length of any deferral.

Page 72-73; E. WEAPONS DISPOSAL; 1. ENDORSEMENT OF WEAPONS DISPOSAL PLAN; PEACE PROCESS CONSULTATIVE COMMITTEE (PPCC) RESOLUTION ON WEAPONS DISPOSAL

Stage 3: Final Fate of the Weapons

(b) In any event, any of the parties may call on the UNOMB with the assistance of the PMG to verify and certify whether there has been substantial compliance by the parties in the handing in of weapons and whether the level of security of the weapons makes it conducive to holding the elections.

International Aspects

12. The National Government will request the states that contribute to the Peace Monitoring Group (PMG) to (1) provide technical assistance, (2) agree to the PMG's support, for implementation of this Resolution.

Page 75; E. WEAPONS DISPOSAL; 2. WEAPONS DISPOSAL - MANDATES OF UNOMB AND PMG

330. The parties agree that -

(a) the PMG countries and the United Nations Security Council will be requested to agree to continue the PMG and the UNOMB in Bougainville and assist in implementing the PPCC Resolution on Weapons Disposal until the decision is made concerning the final fate of weapons at stage 3 of the agreed weapons disposal plan and the autonomous Bougainville Government is established;

(b) the decision concerning the final fate of the weapons may require a continuing presence by the PMG and the UNOMB for a short period to conclude their assignments during implementation; and

(c) the likely exit-dates for the PMG and the UNOMB are around the middle and not later than the end of 2002.

ia_ver

Verification &
Monitoring
Mechanism

ia_pko

Peacekeeping

Page 1-4; AIDE MEMOIRE; Presentation of the Bougainville Peace Agreement, and Formal Request for Assistance in Implementation by the United Nations Political Office/ Observer Mission in Bougainville Papua New Guinea (UNPOB / UNOMB)

5. The Agreement itself contains a number of commitments made by the Government of the Independent State of Papua New Guinea in respect of the United Nations Security Council:

(1) to table the Bougainville Peace Agreement in the United Nations Security Council (Paragraph 334);

(2) to request the United Nations Security Council to agree that UNPOB / UNOMB –

i. continue monitoring and reporting on implementation of agreed arrangements as provided in the Ceasefire Agreement, (Paragraph 334); and

ii. assist in implementing the Resolution on Weapons Disposal adopted by the Peace Process Consultative Committee (PPCC) on 9 May and included in Part E of the Bougainville Peace Agreement (Paragraph 330 (a)).

- In relation to (2).i, the Agreement envisages that UNPOB / UNOMB will continue to chair the PPCC (Paragraph 335), as provided in the Ceasefire Agreement (which was signed on 30 April 1998).

- In relation to (2).ii, the Agreement notes that the decision on the final fate of the weapons at Stage 3 of the agreed weapons disposal plan means that there may be a requirement for 'a continuing presence' by UNPOB / UNOMB 'for a short period to conclude their assignment... during implementation', and that the likely exit-date is 'around the middle and not later than the end of 2002' (Paragraph 330 (b) and (c)).

6. The details of the role that the Agreement foresees for UNPOB / UNOMB in relation to implementation of the agreed weapons disposal is for UNPOB / UNOMB to –

(1) chair the sub-committee to be established to develop, manage and implement weapons disposal on behalf of the Peace Process Consultative Committee (PPCC); and

(2) participate in implementation as follows:
[...]

Stage 2 - supervise storage, and hold one of the two keys necessary to open the containers which will be provided at a small number of central locations; the Constitutional amendments required to implement the Agreement will take legal effect on verification by UNPOB / UNOMB that 'the weapons are in secure, double-locked containers under its supervision' — pending a final decision on the fate of the weapons, which should be made within the following 4 1/2 months; and
[...]

- In order to be effective in the role envisaged in the Agreement, UNOMB 'will carry out such inspections and enquiries as its representative considers necessary at each stage, verify the collection and storage of weapons, and report its findings regularly, frequently and fully to the PPCC, with respect for such confidentiality as may be required.'

- The agreed weapons disposal plan contains an assurance that the parties will co-operate with UNOMB, and ensure it can carry out its responsibilities efficiently and effectively.

7. Papua New Guinea, therefore –

(1) presents the Bougainville Peace Agreement; and

(2) respectfully requests that UNPOB / UNOMB:

i. continue monitoring and reporting on implementation of agreed arrangements as provided in the Ceasefire Agreement, and

ii. assist in implementing the Resolution on Weapons Disposal adopted by the Peace Process Consultative Committee (PPCC) on 9 May and included in Part E of the Bougainville Peace Agreement (Paragraph 329).

8. The request is made with sincere appreciation for the Statement to the Press of 14 August 2001, in which the President of the United Nations Security Council – noted that the United Nations Political Office in Bougainville has consistently played an important "good offices" role. UNPOB should continue this role, including with regard to weapons collection and disposal.

Page 71-72; E. WEAPONS DISPOSAL; 1. ENDORSEMENT OF WEAPONS DISPOSAL PLAN; PEACE PROCESS CONSULTATIVE COMMITTEE (PPCC) RESOLUTION ON WEAPONS DISPOSAL

Stage 1

6. Stage 1 will begin immediately, initially in areas where there is no Defense Force or Police Mobile Unit presence. It will proceed in all areas as follows:

(1) Councils of Chiefs/Elders will inform UNOMB when the people in a particular area are ready for ex-combatants to disarm and reintegrate into the community, remaining Defense Force and Police Mobile Units to withdraw, and weapons to be securely contained;

(2) UNOMB will inform the PPCC sub-committee;

(4) weapons will be handed in to BRA and BRF unit commanders, who will store them securely in containers provided through the PPCC and sealed for purposes of verification by UNOMB.

Stage 2

7. [...]

(b) When and if amendments to the National Constitution to implement the comprehensive agreement are ready for certification, the weapons will be held in containers under UNOMB supervision and secured by two locks – with one key held by the relevant commander and the other held by UNOMB – pending a final decision on the ultimate fate of the weapons.

(c) The Bills to amend the National Constitution will provide for the constitutional amendments to take effect on verification by UNOMB that die weapons are in secure, double-locked containers under its supervision.

Stage 3: Final Fate of the Weapons

8. [...]

(b) In any event, any of the parties may call on the UNOMB with the assistance of the PMG to verify and certify whether there has been substantial compliance by the parties in the handing in of weapons and whether the level of security of the weapons makes it conducive to holding the elections.

(c) UNOMB's report will be presented to, and considered by, the PPCC.

(d) The Bougainville parties will be bound by UNOMB's findings on whether or not the first election for the autonomous Bougainville Government will be deferred, and the length of any deferral.

Verification and Other Practical Considerations

9. (a) UNOMB will carry out such inspections and inquiries as its representative considers necessary at each stage, verify the collection and storage of weapons, and report its findings regularly, frequently and fully to the PPCC, with respect for such confidentiality as may be required.

(b) The parties will co-operate with each other and UNOMB to ensure that UNOMB can carry out its responsibilities under this Resolution efficiently and effectively.

International Aspects

11. The National Government will seek the agreement of the United Nations Security Council for UNOMB to carry out the responsibilities specified in this Resolution,

Page 75; E. WEAPONS DISPOSAL; 2. WEAPONS DISPOSAL - MANDATES OF UNOMB AND PMG

330. The parties agree that -

(a) the PMG countries and the United Nations Security Council will be requested to agree to continue the PMG and the UNOMB in Bougainville and assist in implementing the PPCC Resolution on Weapons Disposal until the decision is made concerning the final fate of weapons at stage 3 of the agreed weapons disposal plan and the autonomous Bougainville Government is established;

(b) the decision concerning the final fate of the weapons may require a continuing presence by the PMG and the UNOMB for a short period to conclude their assignments during implementation; and

(c) the likely exit-dates for the PMG and the UNOMB are around the middle and not later than the end of 2002.

Page 77; F. OTHER MATTERS; 2. RESOLVING DISPUTES DURING IMPLEMENTATION

334. The National Government will table this Agreement in the UN Security Council, and use its best efforts to obtain support for UNOMB to continue monitoring and reporting on implementation of agreed arrangements as provided in the Ceasefire Agreement.

335. The PPCC, which the parties have invited UNOMB to chair, will continue to promote the peace process by addressing such issues as are within its mandate and the parties agree to refer to it for consideration during implementation.

Page 42; B. AUTONOMY; 9. FINANCIAL ARRANGEMENTS; (i) FOREIGN AID

172. The agreed arrangements for foreign relations will also apply to foreign aid (consultation mechanism, and Bougainville representation on delegations).

173. The National Government will do its best to obtain foreign aid to support restoration and development in Bougainville, and to facilitate the autonomous Bougainville Government's participation in managing aid projects.

174. The autonomous Bougainville Government will be able to obtain foreign aid.

175. The National Government will approve foreign aid secured by the autonomous Bougainville Government, which does not reduce the value of aid already available to Papua New Guinea - and subject to overriding foreign policy considerations.

176. The autonomous Bougainville Government will keep the National Government fully informed of its efforts to obtain foreign aid.

177. The National Government will co-operate with the autonomous Bougainville Government by negotiating such international agreements as may be required to finalise foreign aid prospects identified by the autonomous Bougainville Government.

Page 66; C. AGREED PRINCIPLES ON REFERENDUM

319. International observers will be invited to observe the conduct of the referendum.

ia_adv

International
Assistance &
Advice

Page 73; E. WEAPONS DISPOSAL; 1. ENDORSEMENT OF WEAPONS DISPOSAL PLAN; PEACE PROCESS CONSULTATIVE COMMITTEE (PPCC) RESOLUTION ON WEAPONS DISPOSAL; International Aspects

13. The National Government will seek the assistance of foreign development co-operation partners in developing and implementing a programme to assist in the reintegration and rehabilitation of ex-combatants.

LUENA MEMORANDUM OF UNDERSTANDING (ADDENDUM TO THE LUSAKA PROTOCOL FOR THE CESSATION OF HOSTILITIES AND THE RESOLUTION OF THE OUTSTANDING MILITARY ISSUES UNDER THE LUSAKA PROTOCOL)

ps_pol

Political Power-sharing

ps_eco

Economic Power-sharing

Page 4; CHAPTER II: AGENDA FOR THE MEMORANDUM OF UNDERSTANDING; 1 - GENERAL

1.1. In order to materialize their commitments and obligations under the Lusaka Protocol, the parties accept the following as the Working Agenda for Military Talks:

II - Cessation of hostilities and pending military issues under the terms of the Lusaka Protocol

[...]

c) Integration into the Angolan Armed Forces of general officers, senior officers, junior officers, non-commissioned officers and junior enlisted personnel of UNITA Military Forces, in accordance with existing vacancies.

d) Integration into the National Police of general officers and senior officers of the Military Forces of UNITA, in accordance with existing vacancies.

[...]

Page 9-10; CHAPTER III COORDINATION AND IMPLEMENTATION OF THE MEMORANDUM OF UNDERSTANDING; 1 - COORDINATION OF THE MEMORANDUM OF UNDERSTANDING

ps_mil

Military Power-sharing

1.1. The institutional coordinating structures of the memorandum of Understanding are the following:

a) Joint Military Commission

b) Technical Group

1.3. The Joint Military Commission has the following composition, powers and working rules:

a) Composition and Leadership:

a.1 A seat as executive member and President of the Joint Military Commission:

- The military representative of the Government

a.2 A seat as executive member of the Joint Military Commission:

- The military representative of UNITA Military Forces

[...]

Page 20; ANNEX 2: TO THE COMPLEMENTARY MEMORANDUM OF UNDERSTANDING TO THE LUSAKA PROTOCOL FOR THE CESSATION OF HOSTILITIES AND RESOLUTION OF REMAINING MILITARY ISSUES PENDING UNDER THE TERMS OF THE LUSAKA PROTOCOL; DOCUMENT RELATED TO THE INTEGRATION INTO THE ANGLAN

**ARMED FORCES OF GENERAL OFFICERS, SENIOR OFFICERS,
JUNIOR OFFICERS, NON-COMMISSIONED OFFICERS AND JUNIOR
ENLISTED PERSONNEL COMING FROM UNITA MILITARY FORCES, IN
ACCORDANCE WITH EXISTING VACANCIES**

The delegation of the Angolan Armed Forces and the delegation of UNITA Military Forces to the military talks agree to the following concerning the integration into the Angolan Armed Forces of general officers, senior officers, junior officers, non-commissioned officers and enlisted personnel coming from UNITA Military Forces, in accordance with existing vacancies:

1. The integration of active duty personnel coming from UNITA Military Forces as based in the principle of overall incorporation and, in continuing action, the incorporation of general officers, senior officers, junior officers and non-commissioned officers, sergeants and other enlisted personnel and the subsequent demobilization and social-professional reintegration of remaining personnel.
2. The designation of general officers, senior officers, junior officers, sergeants and other enlisted personnel coming from UNITA Military Forces to be integrated into the FAA is the responsibility of the High General Staff of UNITA Military Forces.
3. The incorporation into the FAA and awarding of rank to general officers, senior officers and junior officers, and rate to sergeants and other enlisted personnel is the responsibility of the FAA General Staff, in accordance with the below military personnel list:

MILITARY PERSONNEL LIST
[...]

**Page 20-21; ANNEX 2: TO THE COMPLEMENTARY MEMORANDUM OF
UNDERSTANDING TO THE LUSAKA PROTOCOL FOR THE CESSATION
OF HOSTILITIES AND RESOLUTION OF REMAINING MILITARY ISSUES
PENDING UNDER THE TERMS OF THE LUSAKA PROTOCOL;
DOCUMENT RELATED TO THE INTEGRATION INTO THE ANGOLAN
ARMED FORCES OF GENERAL OFFICERS, SENIOR OFFICERS,
JUNIOR OFFICERS, NON-COMMISSIONED OFFICERS AND JUNIOR
ENLISTED PERSONNEL COMING FROM UNITA MILITARY FORCES, IN
ACCORDANCE WITH EXISTING VACANCIES**

MILITARY PERSONNEL LIST
[...]

4. The incorporation into the FAA and awarding of rank to remaining general officers, namely 6 Lieutenant Generals and 14 Brigadier Generals, and their placement as general officers at the disposition of the FAA general Staff.

**Page 22; ANNEX 3: TO THE COMPLEMENTARY MEMORANDUM OF
UNDERSTANDING TO THE LUSAKA PROTOCOL FOR THE CESSATION
OF HOSTILITIES AND RESOLUTION OF REMAINING MILITARY ISSUES
PENDING UNDER THE TERMS OF THE LUSAKA PROTOCOL;
DOCUMENT RELATED TO THE INTEGRATION INTO THE NATIONAL
POLICE OF GENERAL OFFICERS AND SENIOR OFFICERS COMING
FROM UNITA MILITARY FORCES, IN ACCORDANCE WITH EXISTING
VACANCIES**

The delegation of the Angolan Armed Forces and the delegation of UNITA Military Forces to the military talks, agree on the following regarding the integration into the National Police of general officers and senior officers coming from UNITA Military Forces, in accordance with existing vacancies.

1. The designation of general officers and senior officers coming from UNITA Armed Forces to integrate the National Police is the responsibility of the High General Staff of UNITA Military Forces.
2. The incorporation into the National Police and awarding of rank to commissioners and superintendents is the responsibility of the General

		<p>Command of the National Police, in accordance with the below list of National Police personnel.</p> <p>LIST OF MILITARY PERSONNEL [...]</p>
tj_amn	Amnesty	<p>Page 4; CHAPTER II: AGENDA FOR THE MEMORANDUM OF UNDERSTANDING; 1 – GENERAL</p> <p>1.1. In order to materialize their commitments and obligations under the Lusaka Protocol, the parties accept the following as the Working Agenda for Military Talks: I – Issues of national reconciliation Sole item: Amnesty</p> <p>Page 5; CHAPTER II: AGENDA FOR THE MEMORANDUM OF UNDERSTANDING; 2 - ISSUES OF NATIONAL RECONCILIATION</p> <p>Sole item: Amnesty 2.1 The Government guarantees, in the interest of peace and national reconciliation, the approval and publication by competent organs and institutions of the state of the Republic of Angola an Amnesty Law covering all crimes committed in conjunction with the armed conflict between UNITA Military Forces and the Government.</p>
tj_pri	Prisoner Release	
tj_hum	Human Rights	
tj_min	Indigenous & Minority Rights	
tj_wom	Women's Rights & Gender Issues	
tj_civ	Civil & Political Rights	

<p>tj_esc</p>	<p>Economic, Social & Cultural Rights</p>
<p>tj_vic</p>	<p>Victims & Reparations</p>
<p>tj_ref</p>	<p>Refugees & Internally Displaced Persons</p>
<p>tj_tru</p>	<p>Truth & Reconciliation Commission</p>
<p>tj_rec</p>	<p>Reconciliation</p> <p>Page 3; CHAPTER I: SUBJECT AND PRINCIPLES; 2 - FUNDAMENTAL PRINCIPLES</p> <p>2.3. The parties recognize that respect for democracy in all spheres and at levels of national life is essential to peace and national reconciliation.</p> <p>Page 4; CHAPTER II: AGENDA FOR THE MEMORANDUM OF UNDERSTANDING; 1 – GENERAL</p> <p>1.1. In order to materialize their commitments and obligations under the Lusaka Protocol, the parties accept the following as the Working Agenda for Military Talks: I - Issues of national reconciliation Sole item: Amnesty [...]</p> <p>Page 5; CHAPTER II: AGENDA FOR THE MEMORANDUM OF UNDERSTANDING; 2 - ISSUES OF NATIONAL RECONCILIATION</p> <p>Sole item: Amnesty [...]</p>
<p>tj_pro</p>	<p>Protection Measures</p> <p>Page 5; CHAPTER II: AGENDA FOR THE MEMORANDUM OF UNDERSTANDING; 3 - CESSATION OF HOSTILITIES AND PENDING MILITARY ISSUES UNDER THE TERMS OF THE LUSAKA PROTOCOL; A) CEASE-FIRE</p> <p>3.3 The task of reestablishing a cease-fire encompasses the following: [...] d) The guarantee of protection for people and their possessions, of resources and public assets, as well as the free circulation of persons and goods.</p>

tr_con	Constitutional Reform
tr_leg	Legislative Branch Reform
tr_exe	Executive Branch Reform
tr_jud	Judiciary Reform
tr_adm	Public Administration Reform
tr_mil	<p>Page 3; CHAPTER 1: SUBJECT AND PRINCIPLES OF THE MEMORANDUM OF UNDERSTANDING; 1 - SUBJECT</p> <p>1.1. [...] Subsequently, this includes the definitive resolution of the armed conflict, and the renewed undertaking of the complete execution of the task of concluding with the formation of the Angolan Armed Forces under the terms of the Lusaka Protocol.</p> <p>1.2. The objective of the Memorandum of Understanding is collaboration between the parties for the resolution of negative military factors posing an obstacle to the Lusaka Protocol, and the creation of conditions for its definitive conclusion.</p> <p>Page 4; CHAPTER II: AGENDA FOR THE MEMORANDUM OF UNDERSTANDING; 1 - GENERAL</p> <p>1.1. In order to materialize their commitments and obligations under the Lusaka Protocol, the parties accept the following as the Working Agenda for Military Talks:</p> <p>II - Cessation of hostilities and pending military issues under the terms of the Lusaka Protocol [...]</p> <p>c) Integration into the Angolan Armed Forces of general officers, senior officers, junior officers, non-commissioned officers and junior enlisted personnel of UNITA Military Forces, in accordance with existing vacancies</p> <p>Page 6-7; CHAPTER II: AGENDA FOR THE MEMORANDUM OF UNDERSTANDING; 3 - CESSATION OF HOSTILITIES AND PENDING MILITARY ISSUES UNDER THE TERMS OF THE LUSAKA PROTOCOL; C) INTEGRATION OF GENERAL OFFICERS, SENIOR OFFICERS,</p>

JUNIOR OFFICERS, NON-COMMISSIONED OFFICERS AND JUNIOR ENLISTED PERSONNEL COMING FROM THE MILITARY FORCES OF UNITA

3.6 The Government proceeds, in the interest of national reconciliation, through the General Staff of the Angolan Armed Forces, to the integration into the Angolan Armed Forces of general officers, senior officers, junior officers, non-commissioned officers and junior enlisted personnel from UNITA Military Forces, in accordance with existing vacancies.

3.7 In this regard, the process of integrating general officers, senior officers, junior officers, non-commissioned officers and junior enlisted personnel from the Military Forces of UNITA encompasses the following:

a) The incorporation into the Angolan Armed Forces and the awarding of rank to general officers, senior officers, junior officers, and rate to non-commissioned officers and junior enlisted personnel from UNITA Military Forces, in accordance with existing vacancies.

b) The preparation and operational assignment of general officers, senior officers, junior officers, non-commissioned officers and junior enlisted personnel from UNITA Military Forces.

Page 20-21; ANNEX 2: TO THE COMPLEMENTARY MEMORANDUM OF UNDERSTANDING TO THE LUSAKA PROTOCOL FOR THE CESSATION OF HOSTILITIES AND RESOLUTION OF REMAINING MILITARY ISSUES PENDING UNDER THE TERMS OF THE LUSAKA PROTOCOL; DOCUMENT RELATED TO THE INTEGRATION INTO THE ANGOLAN ARMED FORCES OF GENERAL OFFICERS, SENIOR OFFICERS, JUNIOR OFFICERS, NON-COMMISSIONED OFFICERS AND JUNIOR ENLISTED PERSONNEL COMING FROM UNITA MILITARY FORCES, IN ACCORDANCE WITH EXISTING VACANCIES

The delegation of the Angolan Armed Forces and the delegation of UNITA Military Forces to the military talks agree to the following concerning the integration into the Angolan Armed Forces of general officers, senior officers, junior officers, non-commissioned officers and enlisted personnel coming from UNITA Military Forces, in accordance with existing vacancies:

1. The integration of active duty personnel coming from UNITA Military Forces as based in the principle of overall incorporation and, in continuing action, the incorporation of general officers, senior officers, junior officers and non-commissioned officers, sergeants and other enlisted personnel and the subsequent demobilization and social-professional reintegration of remaining personnel.

2. The designation of general officers, senior officers, junior officers, sergeants and other enlisted personnel coming from UNITA Military Forces to be integrated into the FAA is the responsibility of the High General Staff of UNITA Military Forces.

3. The incorporation into the FAA and awarding of rank to general officers, senior officers and junior officers, and rate to sergeants and other enlisted personnel is the responsibility of the FAA General Staff, in accordance with the below military personnel list:

MILITARY PERSONNEL LIST
[...]

4. The incorporation into the FAA and awarding of rank to remaining general officers, namely 6 Lieutenant Generals and 14 Brigadier Generals, and their placement as general officers at the disposition of the FAA general Staff.

tr_pol

Police Reform

Page 4; CHAPTER II: AGENDA FOR THE MEMORANDUM OF UNDERSTANDING; 1 - GENERAL

1.1. In order to materialize their commitments and obligations under the Lusaka Protocol, the parties accept the following as the Working Agenda for Military Talks:

II - Cessation of hostilities and pending military issues under the terms of the Lusaka Protocol

[...]

d) Integration into the National Police of general officers and senior officers of the Military Forces of UNITA, in accordance with existing vacancies.

Page 7; CHAPTER II: AGENDA FOR THE MEMORANDUM OF UNDERSTANDING; 3 - CESSATION OF HOSTILITIES AND PENDING MILITARY ISSUES UNDER THE TERMS OF THE LUSAKA PROTOCOL; D) INTEGRATION INTO THE NATIONAL POLICE OF GENERAL OFFICERS AND SENIOR OFFICERS COMING FROM THE MILITARY FORCES OF UNITA

3.8 The Government, in the interest of national reconciliation, through the General Command of the National Police, proceeds to the integration into the National Police of some general officers and senior officers coming from UNITA Military Forces, in accordance with existing vacancies.

3.9. In this regard, the process of integrating general officers and senior officers coming from UNITA Military Forces encompasses the following:

a) The incorporation into the National Police and awarding of rank to commissioners and superintendents coming from UNITA Military Forces, in accordance with existing vacancies.

[...]

Page 22; ANNEX 3: TO THE COMPLEMENTARY MEMORANDUM OF UNDERSTANDING TO THE LUSAKA PROTOCOL FOR THE CESSATION OF HOSTILITIES AND RESOLUTION OF REMAINING MILITARY ISSUES PENDING UNDER THE TERMS OF THE LUSAKA PROTOCOL; DOCUMENT RELATED TO THE INTEGRATION INTO THE NATIONAL POLICE OF GENERAL OFFICERS AND SENIOR OFFICERS COMING FROM UNITA MILITARY FORCES, IN ACCORDANCE WITH EXISTING VACANCIES

The delegation of the Angolan Armed Forces and the delegation of UNITA Military Forces to the military talks, agree on the following regarding the integration into the National Police of general officers and senior officers coming from UNITA Military Forces, in accordance with existing vacancies.

1. The designation of general officers and senior officers coming from UNITA Armed Forces to integrate the National Police is the responsibility of the High General Staff of UNITA Military Forces.

2. The incorporation into the National Police and awarding of rank to commissioners and superintendents is the responsibility of the General Command of the National Police, in accordance with the below list of National Police personnel.

LIST OF MILITARY PERSONNEL

[...]

tr_edu Education Reform

tr_med Media Reform

Page 4; CHAPTER II: AGENDA FOR THE MEMORANDUM OF UNDERSTANDING; 1 - GENERAL

1.1. In order to materialize their commitments and obligations under the Lusaka Protocol, the parties accept the following as the Working Agenda for Military Talks:

II - Cessation of hostilities and pending military issues under the terms of the Lusaka Protocol

[...]

b) Disengagement, quartering and completion of the demilitarization of UNITA Military Forces

[...]

e) Demobilization of excess personnel from UNITA Military Forces and the extinction of the Armed Forces of UNITA.

[...]

f) Social and professional reintegration into national life of personnel demobilized from the ex-UNIT A Military Forces

Page 6; CHAPTER II: AGENDA FOR THE MEMORANDUM OF UNDERSTANDING; 3 - CESSATION OF HOSTILITIES AND PENDING MILITARY ISSUES UNDER THE TERMS OF THE LUSAKA PROTOCOL; B) DESENGAGEMENT, QUARTERING AND CONCLUSION OF THE DEMILITARIZATION OF UNITA MILITARY FORCES

3.4 The parties reiterate their engagement in the scrupulous fulfillment of their commitments and obligations related to the task of quartering and demilitarizing of UNITA Military Forces (in the spirit foreseen in Annex 3, point II. 1 of the Work Agenda - Military Issues I of the Lusaka Protocol).

3.5 In this regard, the Joint Military Commission, with the support of the General Staff of the Angolan Armed Forces, proceeds to the quartering and demilitarization of all units and paramilitary elements of UNITA Military Forces as follows:

tr_ddd

Demobilization,
Disarmament &
Reintegration

a) Providing information, from the High General Staff of UNITA Military Forces to the Joint Military Commission, covering all reliable and verifiable data related to the combat and numerical composition and location of units and paramilitary elements of UNITA Military Forces.

b) The establishment of monitoring mechanisms for the process of demilitarizing UNITA Military Forces.

c) The identification of military units and paramilitary elements of UNITA Military Forces and the establishment of quartering areas for them.

d) The definition of respective itineraries and means of movement, as well as the actual movement to quartering areas by military units and paramilitary elements of UNITA Military Forces.

e) The disengagement from stationing locations and movement to quartering areas of military units and paramilitary elements of UNITA Military Forces.

f) The reception, housing and feeding, as well as registration in quartering areas of personnel from military units and paramilitary elements of UNITA Military Forces.

g) The turn-in and continuous process of collecting all armament and equipment of military units and paramilitary elements of UNITA Military Forces.

Page 6-7; CHAPTER II: AGENDA FOR THE MEMORANDUM OF UNDERSTANDING; 3 - CESSATION OF HOSTILITIES AND PENDING MILITARY ISSUES UNDER THE TERMS OF THE LUSAKA PROTOCOL; C) INTEGRATION OF GENERAL OFFICERS, SENIOR OFFICERS, JUNIOR OFFICERS, NON-COMMISSIONED OFFICERS AND JUNIOR ENLISTED PERSONNEL COMING FROM THE MILITARY FORCES OF UNITA

3.6 The Government proceeds, in the interest of national reconciliation, through the General Staff of the Angolan Armed Forces, to the integration into the Angolan Armed Forces of general officers, senior officers, junior officers, non-commissioned officers and junior enlisted personnel from UNITA Military Forces, in accordance with existing vacancies.

3.7 In this regard, the process of integrating general officers, senior officers, junior officers, non-commissioned officers and junior enlisted personnel from the Military Forces of UNITA encompasses the following:

a) The incorporation into the Angolan Armed Forces and the awarding of rank to general officers, senior officers, junior officers, and rate to non-commissioned officers and junior enlisted personnel from UNITA Military Forces, in accordance with existing vacancies.

b) The preparation and operational assignment of general officers, senior officers, junior officers, non-commissioned officers and junior enlisted personnel from UNITA Military Forces.

Page 7; CHAPTER II: AGENDA FOR THE MEMORANDUM OF UNDERSTANDING; 3 - CESSATION OF HOSTILITIES AND PENDING MILITARY ISSUES UNDER THE TERMS OF THE LUSAKA PROTOCOL; D) INTEGRATION INTO THE NATIONAL POLICE OF GENERAL OFFICERS AND SENIOR OFFICERS COMING FROM THE MILITARY FORCES OF UNITA

3.8 The Government, in the interest of national reconciliation, through the General Command of the National Police, proceeds to the integration into the National Police of some general officers and senior officers coming from UNITA Military Forces, in accordance with existing vacancies.

3.9. In this regard, the process of integrating general officers and senior officers coming from UNITA Military Forces encompasses the following:

a) The incorporation into the National Police and awarding of rank to commissioners and superintendents coming from UNITA Military Forces, in accordance with existing vacancies.

b) The preparation and operational assignment of commissioners and superintendents coming from UNITA Military Forces.

Page 7-8; CHAPTER II: AGENDA FOR THE MEMORANDUM OF UNDERSTANDING; 3 - CESSATION OF HOSTILITIES AND PENDING MILITARY ISSUES UNDER THE TERMS OF THE LUSAKA PROTOCOL; E) DEMOBILIZATION OF UNITA MILITARY FORCES PERSONNEL AND THE EXTINCTION OF UNITA MILITARY FORCES

3.10 The parties reiterate their engagement in the scrupulous fulfillment of their commitments and obligations related to the task of demobilizing excess personnel coming from UNITA Military Forces and the extinction of the Military Forces of UNITA (in the spirit foreseen in Annex 4, Point II. 1 of the Work Agenda - Military Issues II of the Lusaka Protocol).

3.11 In this regard, the Joint Military Commission, with the support of the UN, in accordance with the mandate to be given by the UN Security Council or other organs of the UN system, proceeds to the demobilization of excess personnel coming from UNITA Military Forces and the extinction of UNITA Military Forces. The process encompasses the following:

a) The individual demobilization of excess personnel coming from UNITA Military Forces.

b) The formal and final extinction of UNITA Military Forces.

c) The placement of demobilized ex-UNITA Military Forces personnel under the administrative responsibility of the General Staff of the Angolan Armed Forces through its military regions and operational commands.

Page 8; CHAPTER II: AGENDA FOR THE MEMORANDUM OF UNDERSTANDING; 3 - CESSATION OF HOSTILITIES AND PENDING MILITARY ISSUES UNDER THE TERMS OF THE LUSAKA PROTOCOL; F) SOCIAL AND PROFESSIONAL REINTEGRATION OF DEMOBILIZED EXMILITARY FORCES OF UNITA PERSONNEL INTO THE NATIONAL LIFE

3.12. The parties reiterate their engagement in the scrupulous fulfillment of their commitments and obligations related to the task of social reintegration of demobilized personnel (in the spirit foreseen in Annex 4, point II. 1 of the Work Agenda - Military Issues II of the Lusaka Protocol).

3.13 In this regard, the Government, through the General Staff of the Angolan Armed Forces and competent public organizations and services, with the participation of UNITA and with the assistance of the international community, proceeds to the reintegration of demobilized personnel into civil society under a program of socio-professional reintegration.

3.14 The social and professional reintegration of demobilized personnel from the ex-UNITA Military Forces encompasses the following:

a) The protection, housing and feeding of ex-UNITA Military Forces personnel in preparation centers.

b) The professional preparation of ex-UNITA Military Forces personnel regarding their competence to enter the national labor market. This will be accomplished by way of an urgent and special social reintegration program.

Page 14-18; ANNEX 1: TO THE COMPLEMENTARY MEMORANDUM OF UNDERSTANDING TO THE LUSAKA PROTOCOL FOR THE CESSATION OF HOSTILITIES AND RESOLUTION OF REMAINING MILITARY ISSUES PENDING UNDER THE TERMS OF THE LUSAKA PROTOCOL; DOCUMENT RELATED TO THE QUARTERING OF UNITA MILITARY FORCES

The Delegation of the Angolan Armed Forces and the Delegation of UNITA Military Forces to the military talks, regarding the quartering of UNITA Military Forces, agree to the following:

1. Generalities related to quartering

(i) The quartering of Military Forces of UNITA should provide for the living conditions necessary for the accommodation of up to 50,000 military personnel. The breakdown of personnel is as follows: Approximately 12 generals and 47 brigadier generals, around 1,700 senior officers, about 17,350 junior officers, around 3,150 sergeants/noncommissioned officers and about 27,740 other enlisted personnel. They will remain for a specified period of time from initial reception until their integration into the FAA and National Police or, in the case of demobilized personnel, social-professional reintegration.

(ii) The quartering areas should have a working structure that is exceptionally well managed, with a capacity to accommodate up to 1,600 military personnel, and with security and easy access.

(iii) The quartering of UNITA Military Forces also implies on the one hand, the accommodation of 12 generals and 47 brigadier generals in cities close to the quartering areas. On the other hand, it also requires the organization and the arrangement of locations for the installation of military families near the quartering areas. The number of family members, including men, women and children could reach 300,000.

(iv) Living arrangements and initial emergency assistance for families of UNITA Military Forces personnel, as well as facilitating their reintegration in small activities producing goods and services, that is, projects for the rapid generation of income in the agriculture sector, rural commerce and other possible areas, is to be guaranteed by competent organs and entities of the state administration in strict collaboration the General Staff of the FAA, with the participation of the UN in accordance with the mandate to be given by the UN Security Council or other organs of the UN System.

2. The Structure of the Quartering Area

(i) The quartering area has the following structure:

- The leadership of the quartering area is to include a Commander, a Deputy Commander, a Civic Education Officer, a Personnel Officer, a Weapons Officer, and a Communications Officer, to be designated from among the quartered personnel by the High General Staff of UNITA Military Forces.

- The Services and Support Group is to be comprised of a guard and garrison, a radio post, a medical post, cooking facilities and dining area, and a transportation section, designated from among the personnel to be quartered by the High General Staff of the UNITA Military Forces.

- Up to 16 companies of quartered personnel, each comprised of 100 military personnel.

(ii) The Commander of the quartering area is subordinate to the Commander of the Work Team from the General Staff of the FAA and is the individual responsible for the operation and discipline of the quartering area.

3. Management of the Quartering Areas

(i) The management of the quartering areas is undertaken by the General Staff of the FAA through a Work Team headed by an Angolan Armed Forces general integrated from UNITA Military Forces, and with the cooperation of the UN, in accordance with a mandate to be given by the UN Security Council or other organs of the UN system that lend technical assistance to the organization and management, as well as support in material means.

(ii) The locations for the installation of military families of members of UNITA Military Forces are materially supported and administratively managed by competent organs of state administration in strict collaboration with the FAA General Staff, in addition to the participation of the UN in accordance with a mandate to be given by the UN Security Council or other organs of the UN system that lend technical assistance to the organization and management, as well as material means.

4. Quartering Area Locations

(i) For personnel of UNITA Military Forces in the northern region:

- Madimba, township of Madimba, municipality of M'Banza Congo, Zaire Province;
- Vale do Logo, township of Vale do Loge, municipality of Bembe, Uige Province;
- Wamba, township of Wamba, municipality of Sanza Pombo, Uige Province;
- Fazenda Santa Cruz, township of Quibaxi, municipality of Quibaxi, Bengo Province;
- Town of Mussabo, municipality of Samba-Caju. Kwanza-Nortc Province.

(ii) For personnel of UNITA Military Forces in the northeast region:

- Capaia, township of Capaia, municipality of Lucapa, Lunda Norte Province;
- Damba Penitenciaria, township of Cátala, municipality of Caculama, Malange Province;
- Ganga Sol, township of Quissole, municipality of Malange, Malange Province.
- Chinege, township of Muriege, municipality of Muconda, Lunda Sul Province.
- N'Guimbi, township of Xá-Muteba, municipality of Xá-Muteba, Lunda Norte Province.

(iii) For personnel of UNITA Military Forces in the central region:

- Gando, township of Cambandua, municipality of Kuito, Biao Province;
- Capeça, township of Belo Horizonte, municipality of Cunhinga, Biao Province;
- Ponte do Rio Cacuchi, township of Cachingues, municipality of Chitembo, Biao Province;
- Sachitembo, township of Sambo, municipality of Tchikala Tchaloanga, Huambo Province;

- Lunge, township of Lunge, municipality of Bailundo, Huambo Province;
- Menga, township of Galanga, municipality of Lenduimbale, Huambo Province;
- Chingongo, township of Chingongo, municipality of Balombo, Benguela Province;
- Fazenda Caporolo, township of Caporolo, municipality of Chongoroi, Benguela Province;
- Tchissamba, township of Mussende, municipality of Mussende, Kuanza Sul Province.

(iv) For personnel of UNITA Military Forces in the east region:

- Chicala, township of Cangumbe, municipality of Moxico, Moxico Province;
- Calapo, township of Lucusse, municipality of Moxico, Moxico Province.

(v) For personnel of UNITA Military Forces in the military zone of Cazumbo:

- Calala, township of Calunda, municipality of Alto Zambeze, Moxico Province,

(vi) For personnel of UNITA Military Forces in the south region:

- Quilametro 50, township of Galangue, municipality of Chipindo, Huila Province;
- Kamuambo, township of Mupa, municipality of Cuvelai, Cuncne Province.

(vii) For personnel of UNITA Military Forces in Menongue:

- Soba Matias, township of Soba Matias, municipality of Menongue, Kuando Kubango Province.

(viii) For personnel of UNITA Military Forces around Jamba:

- Tchimbunjango, township of Mavinga, municipality of Mavinga, Kuando Kubango Province.
- Capembe, township of Mavinga, municipality of Mavinga, Kuando Kubango Province.

Page 20-21; ANNEX 2: TO THE COMPLEMENTARY MEMORANDUM OF UNDERSTANDING TO THE LUSAKA PROTOCOL FOR THE CESSATION OF HOSTILITIES AND RESOLUTION OF REMAINING MILITARY ISSUES PENDING UNDER THE TERMS OF THE LUSAKA PROTOCOL; DOCUMENT RELATED TO THE INTEGRATION INTO THE ANGOLAN ARMED FORCES OF GENERAL OFFICERS, SENIOR OFFICERS, JUNIOR OFFICERS, NON-COMMISSIONED OFFICERS AND JUNIOR ENLISTED PERSONNEL COMING FROM UNITA MILITARY FORCES, IN ACCORDANCE WITH EXISTING VACANCIES

The delegation of the Angolan Armed Forces and the delegation of UNITA Military Forces to the military talks agree to the following concerning the integration into the Angolan Armed Forces of general officers, senior officers, junior officers, non-commissioned officers and enlisted personnel coming from UNITA Military Forces, in accordance with existing vacancies:

1. The integration of active duty personnel coming from UNITA Military Forces as based in the principle of overall incorporation and, in continuing action, the incorporation of general officers, senior officers, junior officers and non-commissioned officers, sergeants and other enlisted personnel and the subsequent demobilization and social-professional reintegration of remaining personnel.
2. The designation of general officers, senior officers, junior officers, sergeants and other enlisted personnel coming from UNITA Military Forces to be integrated into the FAA is the responsibility of the High General Staff of UNITA Military Forces.
3. The incorporation into the FAA and awarding of rank to general officers, senior officers and junior officers, and rate to sergeants and other enlisted personnel is the responsibility of the FAA General Staff, in accordance with the below military personnel list:

MILITARY PERSONNEL LIST

[...]

4. The incorporation into the FAA and awarding of rank to remaining general officers, namely 6 Lieutenant Generals and 14 Brigadier Generals, and their placement as general officers at the disposition of the FAA general Staff.

Page 22; ANNEX 3: TO THE COMPLEMENTARY MEMORANDUM OF UNDERSTANDING TO THE LUSAKA PROTOCOL FOR THE CESSATION OF HOSTILITIES AND RESOLUTION OF REMAINING MILITARY ISSUES PENDING UNDER THE TERMS OF THE LUSAKA PROTOCOL; DOCUMENT RELATED TO THE INTEGRATION INTO THE NATIONAL POLICE OF GENERAL OFFICERS AND SENIOR OFFICERS COMING FROM UNITA MILITARY FORCES, IN ACCORDANCE WITH EXISTING VACANCIES

The delegation of the Angolan Armed Forces and the delegation of UNITA Military Forces to the military talks, agree on the following regarding the integration into the National Police of general officers and senior officers coming from UNITA Military Forces, in accordance with existing vacancies.

1. The designation of general officers and senior officers coming from UNITA Armed Forces to integrate the National Police is the responsibility of the High General Staff of UNITA Military Forces.

2. The incorporation into the National Police and awarding of rank to commissioners and superintendents is the responsibility of the General Command of the National Police, in accordance with the below list of National Police personnel.

LIST OF MILITARY PERSONNEL

[...]

Page 24; ANNEX 4: TO THE COMPLEMENTARY MEMORANDUM OF UNDERSTANDING TO THE LUSAKA PROTOCOL FOR THE CESSATION OF HOSTILITIES AND RESOLUTION OF REMAINING MILITARY ISSUES PENDING UNDER THE TERMS OF THE LUSAKA PROTOCOL; DOCUMENT RELATED TO THE SOCIAL-PROFESSIONAL REINTEGRATION OF DEMOBILIZED EX-UNITA MILITARY FORCES PERSONNEL

The delegation of the Angolan Armed Forces and the delegation of UNITA Military Forces to the military talks, agree to the following concerning the social-professional reintegration of demobilized ex-UNITA Military Forces personnel:

1. The social-professional reintegration of demobilized ex-UNITA Military Forces personnel consists of ascribing civic value and undertaking socio-economic promotion by competent organs and entities of the state in strict cooperation with the FAA General Staff and with the support of the UN, in accordance with the mandate to be given by the UN Security Council or other agencies of the UN system. To achieve this end, it is considered imperative to:

(i) Guarantee initial assistance to demobilized ex-UNITA Military Forces personnel,

(ii) Guarantee general and specific preparation of ex-UNITA Military Forces personnel,

(iii) Assure their supported reintegration into national life.

2. The process of social-professional reintegration of ex-UNITA Military Forces personnel is to be realized by the following different means:

(i) The social-professional reintegration of ex-UNITA Military Forces personnel into the National Reconstruction Service.

(ii) The social-professional reintegration of ex-UNITA Military Forces personnel into the national labor market, namely the public sector and private sector.

(iii) The social-professional reintegration of ex-UNITA Military Forces personnel into the Population Resettlement Program.

3. The number of ex-UNITA Military Forces personnel subject to social-professional reintegration may reach 45,000.

Page 10-11; CHAPTER III: COORDINATION AND IMPLEMENTATION OF THE MEMORANDUM OF UNDERSTANDING; 2 - IMPLEMENTATION SCHEDULE FOR THE MEMORANDUM OF UNDERSTANDING

2.1 To accomplish the implementation of the Memorandum of Understanding, the Angolan Armed Forces and UNITA Military Forces assume a commitment to the following Implementation Schedule:

1) Effective date for the Memorandum of Understanding – D Day

- Signature of the Memorandum
- Declaration of a bilateral cease-fire – Effective date of the cease-fire

2) Activation of the Joint Military Commission – D Day + 001

- Promulgation of the Amnesty Law
- Commencement of work by the Joint Military
- Beginning Commission and Technical Group

3) Realization of all activities listed in paragraph a) of Point II, namely: – D day+ 001

- Consolidating the reestablishment of the cease-fire

4) Accomplishment of all activities listed in paragraph b) of Point II, namely: – D Day + 002 to D + 047

- Disengagement, Quarters and completion of the Demilitarization of UNITA Military Forces
- Quarters, Disarming and Repatriation of Foreign Military Forces in areas of the national territory under the control of UNITA Military Forces.

5) Accomplishment of all activities listed in paragraphs c) and d) of Point II, namely: – D Day + 048 to D + 078

- Integration into the FAA of general officers, senior officers, junior officers, non-commissioned officers and junior enlisted personnel coming from UNITA Military Forces, in accordance with existing vacancies
- Integration into the National Police of general officers and senior officers coming from UNITA Military Forces, in accordance with existing vacancies

6) Accomplishment of all activities contained in paragraph e) of Point II, namely: – D Day + 079 to D + 080

- Demobilization UNITA Military Forces personnel and the extinction of UNITA Military Forces

7) Accomplishment of all activities contained in paragraph f) of Point II, namely: – D Day + 081 to D + 262

- Social and political reintegration of demobilized ex-UNITA Military Forces personnel into the national life

tr_tim

Transitional
Timeline

tr_epr

Electoral & Political
Party Reform

tr_dev	Socio-Economic Development
tr_cul	Cultural Heritage/ Protections
tr_fin	Financial Arrangements
tj_dsm	<p>Page 12; CHAPTER IV: FINAL ARRANGEMENTS; 2 – INTERPRETATION</p> <p>Dispute Settlement Mechanisms</p> <p>2.1 Differences in interpretation or implementation of the Memorandum of Understanding are to be submitted to the Joint Military Commission for resolution in a spirit of friendship, tolerance and understanding.</p>
ia_ver	<p>Page 9-10; CHAPTER III COORDINATION AND IMPLEMENTATION OF THE MEMORANDUM OF UNDERSTANDING; 1 - COORDINATION OF THE MEMORANDUM OF UNDERSTANDING</p> <p>1.1. The institutional coordinating structures of the memorandum of Understanding are the following:</p> <p>a) Joint Military Commission</p> <p>b) Technical Group</p> <p>1.3. The Joint Military Commission has the following composition, powers and working rules:</p> <p>a) Composition and Leadership:</p> <p>a.1 A seat as executive member and President of the Joint Military Commission:</p> <ul style="list-style-type: none"> - The military representative of the Government <p>a.2 A seat as executive member of the Joint Military Commission:</p> <ul style="list-style-type: none"> - The military representative of UNITA Military Forces <p>a.3 A seat as permanent observer members of the Joint Military Commission:</p> <ul style="list-style-type: none"> - The UN military representative in accordance with the mandate to be given by the UN Security Council or other organs of the UN system - The military representative of the United States of America - The military representative of Russia - The military representative of Portugal <p>b) Powers</p> <p>b.1 Assist the Joint Military Commission in carrying out its duties</p> <p>b.2 Manage the implementation of all provisions of the Memorandum of Understanding</p> <p>b.3 Organize ad hoc meetings of military experts to study the causes of eventual difficulties impeding the effective execution of the Memorandum of Understanding or other issues considered to be of interest by the Joint Military Commission.</p> <p>b.4 Prepare a schedule detailing the activities to be undertaken in the context of implementing the Memorandum of Understanding.</p> <p>Verification & Monitoring Mechanism</p>

c) Working rules:

c I Meet, as a matter of routine, in order to prepare for meetings of the Joint Military Commission, and extraordinarily to analyze issues passed on from the Joint Military Commission, or whenever it may be necessary.

c.2 At the regional level, meet daily under the direction of a military expert from the Angolan Armed Forces.

Page 7-8; CHAPTER II: AGENDA FOR THE MEMORANDUM OF UNDERSTANDING; 3 - CESSATION OF HOSTILITIES AND PENDING MILITARY ISSUES UNDER THE TERMS OF THE LUSAKA PROTOCOL; E) DEMOBILIZATION OF UNITA MILITARY FORCES PERSONNEL AND THE EXTINCTION OF UNITA MILITARY FORCES

3.11 In this regard, the Joint Military Commission, with the support of the UN, in accordance with the mandate to be given by the UN Security Council or other organs of the UN system, proceeds to the demobilization of excess personnel coming from UNITA Military Forces and the extinction of UNITA Military Forces. The process encompasses the following:

[...]

Page 14; ANNEX 1: TO THE COMPLEMENTARY MEMORANDUM OF UNDERSTANDING TO THE LUSAKA PROTOCOL FOR THE CESSATION OF HOSTILITIES AND RESOLUTION OF REMAINING MILITARY ISSUES PENDING UNDER THE TERMS OF THE LUSAKA PROTOCOL; DOCUMENT RELATED TO THE QUARTERING OF UNITA MILITARY FORCES

[...]

1. Generalities related to quartering:

[...]

(iv) Living arrangements and initial emergency assistance for families of UNITA Military Forces personnel, as well as facilitating their reintegration in small activities producing goods and services, that is, projects for the rapid generation of income in the agriculture sector, rural commerce and other possible areas, is to be guaranteed by competent organs and entities of the state administration in strict collaboration the General Staff of the FAA, with the participation of the UN in accordance with the mandate to be given by the UN Security Council or other organs of the UN System.

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Peacekeeping

Page 15; ANNEX 1: TO THE COMPLEMENTARY MEMORANDUM OF UNDERSTANDING TO THE LUSAKA PROTOCOL FOR THE CESSATION OF HOSTILITIES AND RESOLUTION OF REMAINING MILITARY ISSUES PENDING UNDER THE TERMS OF THE LUSAKA PROTOCOL; DOCUMENT RELATED TO THE QUARTERING OF UNITA MILITARY FORCES

3. Management of the Quartering Areas

(i) The management of the quartering areas is undertaken by the General Staff of the FAA through a Work Team headed by an Angolan Armed Forces general integrated from UNITA Military Forces, and with the cooperation of the UN, in accordance with a mandate to be given by the UN Security Council or other organs of the UN system that lend technical assistance to the organization and management, as well as support in material means.

(ii) The locations for the installation of military families of members of UNITA Military Forces are materially supported and administratively managed by competent organs of state administration in strict collaboration with the FAA General Staff, in addition to the participation of the UN in accordance with a mandate to be given by the UN Security Council or other organs of the UN system that lend technical assistance to the organization and management, as well as material means.

Page 18; ANNEX I/A TO THE COMPLEMENTARY MEMORANDUM OF UNDERSTANDING TO THE LUSAKA PROTOCOL FOR THE CESSATION

**OF HOSTILITIES AND RESOLUTION OF REMAINING MILITARY ISSUES
PENDING UNDER THE TERMS OF THE LUSAKA PROTOCOL;
DOCUMENT RELATED TO FOREIGN MILITARY FORCES IN AREAS OF
THE NATIONAL TERRITORY UNDER THE CONTROL OF UNITA
MILITARY FORCES**

The delegation of the Angolan Armed Forces and the delegation of UNITA Military Forces to the military talks, agree to the following with regard to quartering, disarmament and repatriation of foreign military forces in areas of national territory under the control of UNITA Military Forces:

1.1. The parties recognize the existence of foreign military forces in areas of the national territory under the control of UNITA Military Forces, namely units comprised of citizens of the Democratic Republic of Congo and units comprised of citizens of Rwanda of Tutsi-Banyamulenge and Hutu, and the necessity of proceeding with their urgent repatriation.

1.2 In this regard, the FAA General Staff, in strict cooperation with the High General Staff of UNITA Military Forces, and with the participation of the Joint Military Commission and support of the UN, in accordance with the mandate to be given by the UN Security Council or other organs of the UN system, proceed to the cantonment and disarming of foreign military forces in areas of the national territory under the control of UNITA Military Forces, with the following understanding:

a) The informing of the FAA General Staff and Joint Military Commission by the High General Staff of UNITA Military Forces of all reliable and verifiable data related to the combat and numerical composition and location of units of foreign military forces in areas of national territory under the control of UNITA Military Forces.

b) The identification of units of foreign military forces under the control of UNITA Military Forces.

c) The movement of personnel of foreign military forces to quartering areas for UNITA Military Forces.

d) The reception, housing and feeding, as well as the registration of foreign military personnel in quartering areas.

e) The disarming, collection and storage of all armament and military equipment of foreign military forces in quartering areas.

f) The handover to the UN of members of foreign military forces in accordance with the mandate to be given by the UN Security Council or other organs of the UN System, for purposes of repatriation of personnel to their countries of origin, namely the RDC and the Republic of Rwanda.

**Page 24; ANNEX 4: TO THE COMPLEMENTARY MEMORANDUM OF
UNDERSTANDING TO THE LUSAKA PROTOCOL FOR THE CESSATION
OF HOSTILITIES AND RESOLUTION OF REMAINING MILITARY ISSUES
PENDING UNDER THE TERMS OF THE LUSAKA PROTOCOL;
DOCUMENT RELATED TO THE SOCIAL-PROFESSIONAL
REINTEGRATION OF DEMOBILIZED EX-UNITA MILITARY FORCES
PERSONNEL**

[...]

1. The social-professional reintegration of demobilized ex-UNITA Military Forces personnel consists of ascribing civic value and undertaking socio-economic promotion by competent organs and entities of the state in strict cooperation with the FAA General Staff and with the support of the UN, in accordance with the mandate to be given by the UN Security Council or other agencies of the UN system. To achieve this end, it is considered imperative to:

[...]

Page 9-10; CHAPTER III COORDINATION AND IMPLEMENTATION OF THE MEMORANDUM OF UNDERSTANDING; 1 - COORDINATION OF THE MEMORANDUM OF UNDERSTANDING

1.1. The institutional coordinating structures of the memorandum of Understanding are the following:

- a) Joint Military Commission
- b) Technical Group

1.3. The Joint Military Commission has the following composition, powers and working rules:

a) Composition and Leadership:
[...]

- a.3 A seat as permanent observer members of the Joint Military Commission:
- The UN military representative in accordance with the mandate to be given by the UN Security Council or other organs of the UN system
 - The military representative of the United States of America
 - The military representative of Russia
 - The military representative of Portugal

b) Powers

- b.1 Assist the Joint Military Commission in carrying out its duties
- b.2 Manage the implementation of all provisions of the Memorandum of Understanding
- b.3 Organize ad hoc meetings of military experts to study the causes of eventual difficulties impeding the effective execution of the Memorandum of Understanding or other issues considered to be of interest by the Joint Military Commission.
- b.4 Prepare a schedule detailing the activities to be undertaken in the context of implementing the Memorandum of Understanding.

c) Working rules:

- c.1 Meet, as a matter of routine, in order to prepare for meetings of the Joint Military Commission, and extraordinarily to analyze issues passed on from the Joint Military Commission, or whenever it may be necessary.
- c.2 At the regional level, meet daily under the direction of a military expert from the Angolan Armed Forces.

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International
Assistance &
Advice

PEACE AGREEMENT BETWEEN THE GOVERNMENT OF LIBERIA, THE LIBERIANS UNITED FOR RECONCILIATION AND DEMOCRACY (LURD), THE MOVEMENT OF DEMOCRACY IN LIBERIA (MODEL) AND THE POLITICAL PARTIES (ACCRA AGREEMENT)

Page 16; ARTICLE XX: INTERIM PERIOD

1.[...]

b. The Vice President shall assume the duties of the current President for a period not beyond 14th October 2003, whereupon the Transitional Government provided for in this Agreement shall be immediately installed.

Page 16; ARTICLE XXI: ESTABLISHMENT OF A TRANSITIONAL GOVERNMENT

1. An all-inclusive Transitional Government to be called the National Transitional Government of Liberia, (NTGL), is hereby established to replace the present Government of Liberia.

[...]

Page 17-18; ARTICLE XXIV: THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY (NTLA)

1. There is hereby established a National Transitional Legislative Assembly (NTLA) in Liberia which shall reflect a broad spectrum of the Liberian society.

[...]

3. The NTLA shall have a maximum of Seventy-six (76) members who shall come from the following entities:

a. Each of the fifteen (15) Counties.

b. The present Government of Liberia, the LURD, MODEL, the Political Parties, Civil Society and Interest Groups including the National Bar Association, the Liberian Business Organisations, Women Organizations, Trade Unions, Teachers Union, Refugees, the Liberians in the Diaspora/America and the Youth.

4. The formula for the composition of the NTLA shall be as follows:

GOL -12 seats

LURD -12 seats

MODEL -12 seats

Political Parties -18 seats

Civil Society and Special Interest Groups -7 seats

Counties -15 seats

Page 19; ARTICLE XXVI: THE CABINET

3. The ministers, deputy and assistant ministers, heads of autonomous agencies, commissions, public corporations and state-owned enterprises, who should preferably be technocrats, shall be representatives of a broad cross-section of the Liberian society.

4. Allocation of ministerial positions, deputy and assistant ministerial positions, headship of autonomous agencies, commissions, public corporations and state-owned enterprises shall be made to the Parties to this Agreement through a process of negotiation. The allocations as agreed to by the Parties are contained in Annex 4 attached to the Agreement. Annex 4 is an integral part of this Agreement.

5a. The Parties shall forward to the Transitional Chairman within a period of seven (7) days, the name of one nominee for each position allocated to them.

[...]

Page 35; Annex 2: ELECTION/SELECTION PROCESS

ps_pol

Political Power-sharing

1. In conformity with Article XXV(2) of the Peace Agreement the following procedure shall be followed for the selection of the Chairman and Vice-Chairman of the NTGL.

i. The accredited Political Parties and the Civil Society Organisations at the Accra Peace Talks shall jointly nominate three (3) names each for the different positions of Chairman and Vice-Chairman respectively.

ii. The Nominees must meet the qualifying criteria prescribed under Appendix I.

iii. The Parties to the Ceasefire Agreement of 17 June 2003 shall, after due consideration and by consensus, select one (1) person each out of the two (2) categories of nominees who shall be declared Chairman and Vice-Chairman of the NTGL.

[...]

2. Constituting and Selecting Members of the Legislative Assembly in Monrovia

a. The members of the Legislative Assembly shall be constituted using the formula for allocation of seats prescribed under Article XXIV (4) of the Comprehensive Peace Agreement as follows:

GOL-12 seats LURD-12 seats MODEL-12 seats

Political Parties-18 seats

Civil Society and Special Interest Groups-7 seats Counties-15 seats

b. The members of the Assembly shall be selected after consultations amongst members of each constituting entity of the Assembly, i.e. the GOL, the LURD, the MODEL, Political Parties, Civil Society and Special Interest Groups and the Counties.

[...]

Page 46-47; Annex 4: ALLOCATION OF CABINET POSITIONS, PUBLIC CORPORATIONS AND AUTONOMOUS AGENCIES/ COMMISSIONS UNDER THE NTGL

4. The following ministries have been allocated to the three warring parties:

For the GOL

i. Ministry of Posts and Telecommunications

ii. Ministry of Health and Social Welfare;

iii. Ministry of National Defence;

iv. Ministry of Planning and Economic Affairs;

v. Ministry of Internal Affairs.

For the LURD

i. Ministry of Finance;

ii. Ministry of Justice;

iii. Ministry of Labor;

iv. Ministry of Transport

v. Ministry of State;

For the MODEL

i. Ministry of Agriculture;

ii. Ministry of Commerce;

iii. Ministry of Lands, Mines and Energy;

iv. Ministry of Public Works;

v. Ministry of Foreign Affairs.

[...]

6. The Warring Parties shall be allocated two (2) Deputy Ministerial Positions in the Ministries allocated to them.

Page 19; ARTICLE XXVI: THE CABINET

[...]

2. In addition to the Commissions established by this Agreement, all existing public corporations and autonomous Agencies/Commissions shall operate under the present transitional arrangement, excluding the existing Commissions that have already been referred to under Articles XII and XIII of this Agreement.

3. The ministers, deputy and assistant ministers, heads of autonomous agencies, commissions, public corporations and state-owned enterprises, who should preferably be technocrats, shall be representatives of a broad cross-section of the Liberian society.

4. Allocation of ministerial positions, deputy and assistant ministerial positions, headship of autonomous agencies, commissions, public corporations and state-owned enterprises shall be made to the Parties to this Agreement through a process of negotiation. The allocations as agreed to by the Parties are contained in Annex 4 attached to the Agreement. Annex 4 is an integral part of this Agreement.

Page 47-50; Annex 4: ALLOCATION OF CABINET POSITIONS, PUBLIC CORPORATIONS AND AUTONOMOUS AGENCIES/ COMMISSIONS UNDER THE NTGL

8. The Public Corporations are as follows:

- i. Agriculture Cooperative Development Bank
- ii. Agriculture Industrial Training Board
- iii. Forestry Development Authority
- iv. Liberia Broadcasting System
- v. Liberia Domestic Airport Authority
- vi. Liberia Electricity Corporation
- vii. Liberia Free Zone Authority
- viii. Liberia Mining Corporation
- ix. Liberia National Lotteries
- x. Liberia Petroleum Refining Corporation
- xi. Liberia Rubber Development Unit
- xii. Liberia Telecommunications Corporation
- xiii. Liberia Water and Sewer Corporation
- xiv. Liberian National Oil Company
- xv. Liberian Produce Marketing Corporation
- xvi. Monrovia Transit Authority
- xvii. National Housing and Savings Bank
- xviii. National Housing Authority
- xix. National Insurance Corporation of Liberia
- xx. National Port Authority
- xxi. National Social Security and Welfare Corporation
- xxii. Robert International Airport

9. The following Public Corporations have been allocated to the Warring Parties:

For the GOL

- i. Liberia Broadcasting System;
- ii. Liberia Electricity Corporation;
- iii. Liberia Petroleum Refining Corporation;
- iv. Liberia Water and Sewer Corporation.

For the LURD

- i. Liberia Free Zone Authority;
- ii. Liberian Telecommunications Corporation;
- iii. Liberian Produce Marketing Corporation;
- iv. National Ports Authority.

For the MODEL

- i. Agriculture, Corporate Development Bank;
- ii. Forestry Development Authority;
- iii. Roberts International Airport;
- iv. National Social Security and Welfare Corporation.

ps_eco

Economic Power-sharing

10. Public Corporations allocated to the Political Parties and Civil Society are as follows:

- i. Agriculture Industrial Training Board;
- ii. Liberia Domestic Airport Authority;
- iii. Liberia Mining Corporation;
- iv. Liberia National Lotteries;
- v. Liberia Rubber Development Unit;
- vi. Liberia National Oil Company;
- vii. Monrovia Transit Authority;
- viii. National Housing and Savings Bank;
- ix. National Housing Authority;
- x. National Insurance Corporation of Liberia.

10. A total number of twenty-two (22) Autonomous Agencies/Commissions shall operate under the Transitional Government. These include Commissions that have been established under the Peace Agreement.

11. They are:

- i. Bureau of Immigration and Naturalization
- ii. Bureau of General Auditing
- iii. Bureau of Maritime Affairs
- iv. Bureau of State Enterprises
- v. Bureau of Budget
- vi. Center for National Documentation and Records
- vii. Civil Service Agency
- viii. Cooperative Development Agency
- ix. General Service Agency
- x. John F. Kennedy Memorial Medical Center
- xi. Liberia National Police Force
- xii. Liberia Refugee, Repatriation and resettlement Commission
- xiii. National Bureau of Investigation
- xiv. National Fire Services
- xv. National food Assistance Agency
- xvi. National Investment Commission
- xvii. National Security Agency
- xviii. Truth and reconciliation Commission
- xix. Independent National Human Rights Commission
- xx. Governance Reform Commission
- xxi. Contract Monopolies Commission
- xxii. National Elections Commission.

12. The following Autonomous Agencies/Commissions have been allocated to Warring Parties:

For the GOL

- i. Bureau of the Budget;
- ii. National Security Agency.

For the LURD

- i. General Service Agency;
- ii. National Investment Commission;

For the MODEL

- i. Bureau of Maritime Affairs;
 - ii. Liberia Refugee Repatriation and Resettlement Commission;
- [...]

**Page 9; PART FOUR: SECURITY SECTOR REFORM; ARTICLE VII:
DISBANDMENT OF IRREGULAR FORCES, REFORMING AND
RESTRUCTURING OF THE LIBERIAN ARMED FORCES**

ps_mil

Military Power-sharing

1. The Parties agree that:

[...]

b. The Armed Forces of Liberia shall be restructured and will have a new command structure. The forces may be drawn from the ranks of the present GOL forces, the LURD and the MODEL, as well as from civilians with appropriate background and experience.[...]

		<p>2. The following Principles shall be taken into account in the formation of the restructured Liberian Armed Forces: [...] b. The restructured force shall take into account the country's national balance. It shall be composed without any political bias to ensure that it represents the national character of Liberia; [...]</p>
tj_amn	Amnesty	<p>Page 23; PART TEN: IMPLEMENTATION OF THE PEACE AGREEMENT; ARTICLE XXXIV: AMNESTY</p> <p>The NTGL shall give consideration to a recommendation for general amnesty to all persons and parties engaged or involved in military activities during the Liberian civil conflict that is the subject of this Agreement.</p>
tj_pri	Prisoner Release	<p>Page 10; PART FIVE: RELEASE OF PRISONERS AND ABDUCTEES; ARTICLE IX: RELEASE OF PRISONERS AND ABDUCTEES</p> <p>All political prisoners and prisoners of war, including non-combatants and abductees shall be released immediately and unconditionally by the Parties.</p> <p>Page 11; PART FIVE: RELEASE OF PRISONERS AND ABDUCTEES; ARTICLE X: ASSISTANCE TO THE INTERNATIONAL COMMITTEE OF THE RED CROSS AND RELEVANT NATIONAL AND INTERNATIONAL AGENCIES</p> <p>All Parties shall provide the International Committee of the Red Cross (ICRC) and other relevant national and international agencies with information regarding their prisoners of war, abductees or persons detained because of the war, to enable the ICRC and other relevant national and international agencies visit them and verify any details regarding their condition and status before their release.</p> <p>Page 11; PART FIVE: RELEASE OF PRISONERS AND ABDUCTEES; ARTICLE XI</p> <p>The Parties call on the ICRC and such other relevant national and international agencies to give all the necessary assistance to the released persons, including re-location to any part of Liberia.</p>
tj_hum	Human Rights	<p>Page 3; PART ONE; ARTICLE I: DEFINITIONS</p> <p>"INCHR" means Independent National Commission on Human Rights established under Article XII of this Agreement;</p> <p>Page 1; [Untitled Preamble]</p> <p>Determined to concert our efforts to promote democracy in the sub-region on the basis of political pluralism and respect for fundamental human rights as embodied in the Universal Declaration on Human Rights, the African Charter on Human and People's Rights and other widely recognised international instruments on human rights, including those contained in the Constitution of the Republic of Liberia; [...] Committed to promoting an all inclusive participation in governance and the advancement of democracy in Liberia, as well as promoting full respect for international humanitarian law and human rights;</p> <p>Page 11; PART SIX: HUMAN RIGHTS ISSUES; ARTICLE XII: HUMAN RIGHTS</p> <p>1a. The Parties agree that the basic civil and political rights enunciated in the Declaration and Principles on Human Rights adopted by the United Nations, African Union, and ECOWAS, in particular, the Universal Declaration of</p>

Human Rights and the African Charter on Human and People's Rights, and as contained in the Laws of Liberia, shall be fully guaranteed and respected within Liberia.

b. These basic civil and political rights include the right to life and liberty, freedom from torture, the right to a fair trial, freedom of conscience, expression and association, and the right to take part in the governance of one's country.

2a. The Parties agree on the need for the establishment of an Independent National Commission on Human Rights (INCHR).

(b) The INCHR shall monitor compliance with the basic rights guaranteed in the present Peace Agreement as well as promote human rights education throughout the various sectors of Liberian society, including schools, the media, the police and the military.

3. The INCHR shall work together with local Liberian human rights and civil society organizations, international human rights organisations and other relevant U.N. agencies to monitor and strengthen the observance of human rights in the country.

[...]

Page 13; PART SEVEN: HUMANITARIAN ISSUES; ARTICLE XV: INTERNATIONAL HUMANITARIAN LAW

The Parties undertake to respect as well as encourage the Liberian populace to also respect the principles and rules of International Humanitarian law in post-conflict Liberia.

Page 18; PART EIGHT: POLITICAL ISSUES; ARTICLE XXIV: THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY (NTLA)

7. The NTLA shall have responsibility for the following:

[...]

c. Encouraging and supporting the emergence of a new democratic space, particularly in the areas of human rights and freedom of expression.

Page 31; Annex 1: Agreement on Ceasefire and Cessation of Hostilities Between the Government of the Republic of Liberia and Liberians United for Reconciliation and Democracy and the Movement for Democracy in Liberia

HEREBY AGREE AS FOLLOWS:

[...]

8. Political Reconciliation. The signing of this agreement shall be followed immediately by the engagement of the GOL, LURD and MODEL with all other Liberian political parties and stakeholders in dialogue, to seek, within a period of thirty (30) days, a comprehensive peace agreement. The peace agreement shall amongst other issues, cover the following:-

[...]

(d) Human rights issues/Reconciliation;

(e) Humanitarian issues;

Page 49-50; Annex 4: Allocation of Cabinet Positions, Public Corporations and Autonomus Agencies/Commission Under the NTGL

11. They are:

[...]

xix. Independent National Human Rights Commission

12. Autonomous Agencies allocated to Political Parties and the Civil Society are as follows:

[...]

viii. Independent National Human Rights Commission;

tj_min

Indigenous &
Minority Rights

**Page 14; PART EIGHT: POLITICAL ISSUES; ARTICLE XVI:
ESTABLISHMENT OF A GOVERNANCE REFORM COMMISSION**

3. The Structure of the Commission shall be as follows:

a. The Commission shall be established as an independent Commission with seven (7) permanent members appointed by the Chairman and confirmed by the NTLA, from a list provided by civil society organisations. It shall have a chairperson who must be from the civil society. Its membership shall include women.

b. The members must have experience in one or more of the following: Public Sector Management, Corporate Law, Finance and Auditing Regulations, Trade Policies and NGO activities. They must be men and women of known integrity with national and/or international experience.

**Page 15; PART EIGHT: POLITICAL ISSUES; ARTICLE XVIII:
ELECTORAL REFORM**

2. [...]

b. Appointments to the NEC shall be made by the Chairman with the advice and consent of the NTLA within three months from the entry into force of this Agreement. It shall be composed of men and women of integrity.

**Page 17-18; PART EIGHT: POLITICAL ISSUES; ARTICLE XXIV: THE
NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY (NTLA)**

3. The NTLA shall have a maximum of Seventy-six (76) members who shall come from the following entities:

[...]

b. [...] Civil Society and Interest Groups including the [...] Women Organizations, [...]

**Page 20; PART EIGHT: POLITICAL ISSUES; ARTICLE XXVII: THE
JUDICIARY**

3. Under the NTGL, all new judicial appointments shall be made by the Chairman of the NTGL and approved by the NTLA. Nominations for such judicial appointments shall be based on a shortlist of candidates for each position recommended by the National Bar Association, including the female lawyers.

**Page 21; PART EIGHT: POLITICAL ISSUES; ARTICLE XXVIII: NATIONAL
BALANCE**

The Parties shall reflect national and gender balance in all elective and non-elective appointments within the NTGL.

**Page 22; PART NINE: POST-CONFLICT REHABILITATION AND
RECONSTRUCTION; ARTICLE XXXI: VULNERABLE GROUPS**

3. The NTGL, in formulating and implementing programs for national rehabilitation, reconstruction and development, for the moral, social and physical reconstruction of Liberia in the post-conflict period, shall ensure that the needs and potentials of the war victims are taken into account and that gender balance is maintained in apportioning responsibilities for program implementation.

tj_wom

Women's Rights &
Gender Issues

Page 24-26; PART ELEVEN; ARTICLE XXXVII: ENTRY INTO FORCE

The present Peace Agreement shall enter into force immediately upon its signature by the Parties.

IN WITNESS WHEREOF, the duly authorized representatives of the Parties have signed this Agreement.

[...]

FOR THE MANO RIVER WOMEN PEACE NETWORK (MARWOPNET)

Page 46; Annex 4: ALLOCATION OF CABINET POSITIONS. PUBLIC CORPORATIONS AND AUTONOMOUS AGENCIES/ COMMISSIONS UNDER THE NTGL

3. The functioning Ministries are as follows:

[...]

vi. Ministry of Gender and Development

Page 47; Annex 4: ALLOCATION OF CABINET POSITIONS. PUBLIC CORPORATIONS AND AUTONOMOUS AGENCIES/ COMMISSIONS UNDER THE NTGL

5. The following Ministries shall be allocated to the Political Parties and the Civil Society:

[...]

Ministry of Gender and Development;

Page 49-50; Annex 4: ALLOCATION OF CABINET POSITIONS. PUBLIC CORPORATIONS AND AUTONOMOUS AGENCIES/ COMMISSIONS UNDER THE NTGL

12. Autonomous Agencies allocated to Political Parties and the Civil Society are as follows:

[...]

The Parties shall reflect national and gender balance in all elective and nonelective appointments within the NTGL.

Page 11; PART SIX: HUMAN RIGHTS ISSUES; ARTICLE XII: HUMAN RIGHTS

1a. The Parties agree that the basic civil and political rights enunciated in the Declaration and Principles on Human Rights adopted by the United Nations, African Union, and ECOWAS, in particular, the Universal Declaration of Human Rights and the African Charter on Human and People's Rights, and as contained in the Laws of Liberia, shall be fully guaranteed and respected within Liberia.

tj_civ

Civil & Political Rights

b. These basic civil and political rights include the right to life and liberty, freedom from torture, the right to a fair trial, freedom of conscience, expression and association, and the right to take part in the governance of one's country.

Page 18; PART EIGHT: POLITICAL ISSUES; ARTICLE XXIV: THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY (NTLA)

7. The NTLA shall have responsibility for the following:

[...]

c. Encouraging and supporting the emergence of a new democratic space, particularly in the areas of human rights and freedom of expression.

tj_esc

Economic, Social &
Cultural Rights

Page 12; PART SIX: HUMAN RIGHTS ISSUES; ARTICLE XIII: TRUTH AND RECONCILIATION COMMISSION

1. A Truth and Reconciliation Commission shall be established to provide a forum that will address issues of impunity, as well as an opportunity for both the victims and perpetrators of human rights violations to share their experiences, in order to get a clear picture of the past to facilitate genuine healing and reconciliation.

3. This Commission shall, among other things, recommend measures to be taken for the rehabilitation of victims of human rights violations.

tj_vic

Victims &
Reparations

Page 22; PART NINE: POST-CONFLICT REHABILITATION AND RECONSTRUCTION; ARTICLE XXXI: VULNERABLE GROUPS

1a. The NTGL shall accord particular attention to the issue of the rehabilitation of vulnerable groups or war victims (children, women, the elderly and the disabled) within Liberia, who have been severely affected by the conflict in Liberia.

b. With the support of the International Community, the NTGL shall design and implement a program for the rehabilitation of such war victims.

3. The NTGL, in formulating and implementing programs for national rehabilitation, reconstruction and development, for the moral, social and physical reconstruction of Liberia in the post-conflict period, shall ensure that the needs and potentials of the war victims are taken into account and that gender balance is maintained in apportioning responsibilities for program implementation.

Page 6; PART TWO: CESSATION OF HOSTILITIES; ARTICLE IV: INTERNATIONAL STABILIZATION FORCE

3. The Parties request the ISF to assume the following mandate:

(e) Assist in the coordination and delivery of humanitarian assistance to displaced persons, refugees, returnees and other war-affected persons;

(f) Facilitate the provision and maintenance of humanitarian assistance and protect displaced persons, refugees, returnees and other affected persons;

Page 13; PART SEVEN: HUMANITARIAN ISSUES; ARTICLE XIV: HUMANITARIAN RELIEF

tj_ref

Refugees &
Internally Displaced
Persons

[...]

3. The said Transitional Government shall request the International Community to assist in providing humanitarian assistance for those in need, including internally displaced persons, refugees and returnees.

4. The Parties shall ensure the presence of security guarantees for the safe return and resettlement of refugees and internally displaced persons and the free movement of persons and goods.

Page 17-18; PART EIGHT: POLITICAL ISSUES; ARTICLE XXIV: THE NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY (NTLA)

3. The NTLA shall have a maximum of Seventy-six (76) members who shall come from the following entities:

[...]

b. [...] Civil Society and Interest Groups including the [...] Refugees, [...]

Page 21; PART NINE: POST-CONFLICT REHABILITATION AND RECONSTRUCTION; ARTICLE XXX: REFUGEES AND DISPLACED PERSONS

1a. The NTGL, with the assistance of the International Community, shall design and implement a plan for the voluntary return and reintegration of Liberian refugees and internally displaced persons, including non-combatants, in accordance with international conventions, norms and practices.

b. Refugees or internally displaced persons, desirous of returning to their original Counties or permanent residences, shall be assisted to do so.

c. The Parties commit themselves to peaceful co-existence amongst returnees and non-returnees in all Counties.

Page 30; Annex 1: AGREEMENT ON CEASEFIRE AND CESSATION OF HOSTILITIES BETWEEN THE GOVERNMENT OF THE REPUBLIC OF LIBERIA AND LIBERIANS UNITED FOR RECONCILIATION AND DEMOCRACY AND THE MOVEMENT FOR DEMOCRACY IN LIBERIA

We the Parties to this Agreement;

[...]

HEREBY AGREE AS FOLLOWS:

[...]

5. Humanitarian. The Parties shall provide security guarantees for safe and unhindered access by humanitarian agencies to vulnerable groups, free movement of persons and goods, as well as for the return and resettlement of refugees and internally displaced persons.

Page 49; Annex 4: ALLOCATION OF CABINET POSITIONS. PUBLIC CORPORATIONS AND AUTONOMOUS AGENCIES/ COMMISSIONS UNDER THE NTGL

10. A total number of twenty-two (22) Autonomous Agencies/Commissions shall operate under the Transitional Government. These include Commissions that have been established under the Peace Agreement.

11. They are:

[...] xii. Liberia Refugee, Repatriation and resettlement Commission

12. The following Autonomous Agencies/Commissions have been allocated to Warring Parties:

[...]

For the MODEL

[...]

ii. Liberia Refugee Repatriation and Resettlement Commission;

Page 4; PART ONE; ARTICLE I: DEFINITIONS

"TRC" means Truth and Reconciliation Commission established under Article XIII of this Agreement;

Page 12; PART SIX: HUMAN RIGHTS ISSUES; ARTICLE XIII: TRUTH AND RECONCILIATION COMMISSION

1. A Truth and Reconciliation Commission shall be established to provide a forum that will address issues of impunity, as well as an opportunity for both the victims and perpetrators of human rights violations to share their experiences, in order to get a clear picture of the past to facilitate genuine healing and reconciliation.

2. In the spirit of national reconciliation, the Commission shall deal with the root causes of the crises in Liberia, including human rights violations.

tj_tru

Truth &
Reconciliation
Commission

3. This Commission shall, among other things, recommend measures to be taken for the rehabilitation of victims of human rights violations.

4. Membership of the Commission shall be drawn from a cross-section of Liberian society. The Parties request that the International Community provide the necessary financial and technical support for the operations of the Commission.

Page 49; Annex 4: ALLOCATION OF CABINET POSITIONS. PUBLIC CORPORATIONS AND AUTONOMOUS AGENCIES/ COMMISSIONS UNDER THE NTGL

10. A total number of twenty-two (22) Autonomous Agencies/Commissions shall operate under the Transitional Government. These include Commissions that have been established under the Peace Agreement.

11. They are:

[...]

xviii. Truth and reconciliation Commission

12. Autonomous Agencies allocated to Political Parties and the Civil Society are as follows:

[...]

x. Truth and Reconciliation Commission;

Page 1-2; [Untitled Preamble]

[...]

Moved by the imperative need to respond to the ardent desire of the people of Liberia for genuine lasting peace, national unity and reconciliation;

[...]

Determined to foster mutual trust and confidence amongst ourselves and establish mechanisms which will facilitate genuine healing and reconciliation amongst Liberians;

Page 12; PART SIX: HUMAN RIGHTS ISSUES; ARTICLE XIII: TRUTH AND RECONCILIATION COMMISSION:

2. In the spirit of national reconciliation, the Commission shall deal with the root causes of the crises in Liberia, including human rights violations.

Page 17; PART EIGHT: POLITICAL ISSUES; ARTICLE XXII: MANDATE OF THE NATIONAL TRANSITIONAL GOVERNMENT OF LIBERIA

tj_rec

Reconciliation

2. In addition to normal State functions, its mandate shall include the following:

[...]

c. Promotion of reconciliation to ensure the restoration of peace and stability to the country and its people;

Page 31; Annex 1: Agreement on Ceasefire and Cessation of Hostilities Between the Government of the Republic of Liberia and Liberians United for Reconciliation and Democracy and the Movement for Democracy in Liberia

We the Parties to this Agreement

[...]

HEREBY AGREE AS FOLLOWS:

[...]

8. Political Reconciliation. The signing of this agreement shall be followed immediately by the engagement of the GOL, LURD and MODEL with all other Liberian political parties and stakeholders in dialogue, to seek, within a period of thirty (30) days, a comprehensive peace agreement. The peace agreement shall amongst other issues, cover the following:-

[...]

(d) Human rights issues/Reconciliation;

<p>tj_pro</p> <p>Protection Measures</p>	<p>Page 12; PART SEVEN: HUMANITARIAN ISSUES; ARTICLE XIV: HUMANITARIAN RELIEF</p> <p>1a. The Parties re-affirm the commitment made in the Ceasefire Agreement, to provide security guarantees for safe and unhindered access by all humanitarian agencies to vulnerable groups throughout the country, in order to facilitate the delivery of humanitarian assistance in accordance with international conventions, principles and norms governing humanitarian operations.</p> <p>Page 22; PART NINE: POST-CONFLICT REHABILITATION AND RECONSTRUCTION; ARTICLE XXXI: VULNERABLE GROUPS</p> <p>1a. The NTGL shall accord particular attention to the issue of the rehabilitation of vulnerable groups or war victims (children, women, the elderly and the disabled) within Liberia, who have been severely affected by the conflict in Liberia.</p> <p>b. With the support of the International Community, the NTGL shall design and implement a program for the rehabilitation of such war victims.</p> <p>2a. The NTGL shall, in addition, accord special attention to the issue of child combatants. [...]</p> <p>3. The NTGL, in formulating and implementing programs for national rehabilitation, reconstruction and development, for the moral, social and physical reconstruction of Liberia in the post-conflict period, shall ensure that the needs and potentials of the war victims are taken into account and that gender balance is maintained in apportioning responsibilities for program implementation.</p>
<p>tr_con</p> <p>Constitutional Reform</p>	<p>Page 23; PART TEN: IMPLEMENTATION OF THE PEACE AGREEMENT; ARTICLE XXXV: SPECIAL PROVISIONS</p> <p>1a. In order to give effect to paragraph 8(i) of the Ceasefire Agreement of 17* June 2003 signed by the GOL, the LURD and the MODEL, for the formation of a Transitional Government, the Parties agree on the need for an extra-Constitutional arrangement that will facilitate its formation and take into account the establishment and proper functioning of the entire transitional arrangement.</p> <p>b. Accordingly, the provisions of the present Constitution of the Republic of Liberia, the Statutes and all other Liberian laws, which relate to the establishment, composition and powers of the Executive, the Legislative and Judicial branches of the Government, are hereby suspended.</p> <p>c. For the avoidance of doubt, relevant provisions of the Constitution, statutes and other laws of Liberia which are inconsistent with the provisions of this Agreement are also hereby suspended.</p> <p>d. All other provisions of the 1986 Constitution of the Republic of Liberia shall remain in force.</p> <p>e. All suspended provisions of the Constitution, Statutes and other laws of Liberia, affected as a result of this Agreement, shall be deemed to be restored with the inauguration of the elected Government by January 2006. All legal obligations of the transitional government shall be inherited by the elected government.</p>
<p>tr_leg</p> <p>Legislative Branch Reform</p>	<p>Page 23; PART TEN: IMPLEMENTATION OF THE PEACE AGREEMENT; ARTICLE XXXV: SPECIAL PROVISIONS</p> <p>1a. In order to give effect to paragraph 8(i) of the Ceasefire Agreement of 17* June 2003 signed by the GOL, the LURD and the MODEL, for the formation of a Transitional Government, the Parties agree on the need for an extra-Constitutional arrangement that will facilitate its formation and take into</p>

account the establishment and proper functioning of the entire transitional arrangement.

b. Accordingly, the provisions of the present Constitution of the Republic of Liberia, the Statutes and all other Liberian laws, which relate to the establishment, composition and powers of the Executive, the Legislative and Judicial branches of the Government, are hereby suspended.

**Page 16; PART EIGHT: POLITICAL ISSUES; ARTICLE XXI:
ESTABLISHMENT OF A TRANSITIONAL GOVERNMENT
[...]**

**Page 17; PART EIGHT: POLITICAL ISSUES; ARTICLE XXIII:
STRUCTURE OF THE NTGL**

The NTGL shall consist of three branches, namely:

i. The National Transitional Legislative Assembly (NTLA);

**Page 17-19; PART EIGHT: POLITICAL ISSUES; ARTICLE XXIV: THE
NATIONAL TRANSITIONAL LEGISLATIVE ASSEMBLY (NTLA)**

1. There is hereby established a National Transitional Legislative Assembly (NTLA) in Liberia which shall reflect a broad spectrum of the Liberian society.

2. The NTLA shall be unicameral in nature and shall replace, within the transitional period, the entire Legislature of the Republic of Liberia.

3. The NTLA shall have a maximum of Seventy-six (76) members who shall come from the following entities:

a. Each of the fifteen (15) Counties.

b. The present Government of Liberia, the LURD, MODEL, the Political Parties, Civil Society and Interest Groups including the National Bar association, the Liberian Business Organisations, Women Organizations, Trade Unions, Teachers Union, Refugees, the Liberians in the Diaspora/America and the Youth.

4. The formula for the composition of the NTLA shall be as follows:

GOL - 12 seats

LURD - 12 seats

MODEL - 12 seats

Political Parties - 18 seats

Civil Society and Special Interest Groups - 7 seats

Counties - 15 seats

5 a. Selection of members of the NTLA shall be carried out in Liberia and shall be subject to internal consultations amongst the different entities identified in paragraphs 3 and 4 above.

b. The Mediation Committee from the Accra Peace Talks may be present during consultations for the selection of members of the Legislative Assembly and shall ensure that the members of the Assembly meet the criteria prescribed in Appendix 1 to Annex 2

6 a. The NTLA shall elect a Speaker to head the Assembly as well as one (1) Deputy Speaker.

b. Guidelines for the elections are defined under Annex 2 which is attached to this Agreement and is an integral part of the Peace Agreement.

c. The Speaker and Deputy Speaker within the NTGL shall not contest for any elective office during the 2005 elections.

7. The NTLA shall have responsibility for the following:

a. Assuming responsibility for the country's legislative functions;

b. Approving the policies and programs of the NTGL for implementation by the Cabinet;

c. Encouraging and supporting the emergence of a new democratic space, particularly in the areas of human rights and freedom of expression.

8. Two-thirds (2/3) of members of the NTLA shall form the quorum for meetings of the Assembly.

9. The decisions of the NTLA shall require the approval of at least 51 % of the entire membership of the NTLA.

10. The NTLA shall adopt rules of procedure for the conduct of its proceedings.

**Page 23; PART TEN: IMPLEMENTATION OF THE PEACE AGREEMENT;
ARTICLE XXXV: SPECIAL PROVISIONS**

1a. In order to give effect to paragraph 8(i) of the Ceasefire Agreement of 17* June 2003 signed by the GOL, the LURD and the MODEL, for the formation of a Transitional Government, the Parties agree on the need for an extra-Constitutional arrangement that will facilitate its formation and take into account the establishment and proper functioning of the entire transitional arrangement.

b. Accordingly, the provisions of the present Constitution of the Republic of Liberia, the Statutes and all other Liberian laws, which relate to the establishment, composition and powers of the Executive, the Legislative and Judicial branches of the Government, are hereby suspended.

**Page 16; PART EIGHT: POLITICAL ISSUES; ARTICLE XXI:
ESTABLISHMENT OF A TRANSITIONAL GOVERNMENT**

[...]

**Page 17; PART EIGHT: POLITICAL ISSUES; ARTICLE XXIII:
STRUCTURE OF THE NTGL**

The NTGL shall consist of three branches, namely:

ii. The Executive; and

**Page 19; PART EIGHT: POLITICAL ISSUES; ARTICLE XXV: THE
EXECUTIVE**

tr_exe

Executive Branch
Reform

1. The NTGL shall be headed by a person to be called the Transitional Chairman. The Transitional Chairman shall be assisted by a Transitional Vice-Chairman.

2. Selection of the Transitional Chairman and Vice-Chairman shall be by consensus arising from a process of consultations undertaken by the accredited delegates and observers to the Peace Talks. The selection procedure is defined in Annex 2 to this Agreement.

3. The positions of Chairman and Vice-Chairman shall be allocated to the Political Parties and the Civil Society.

4. The Chairman and Vice-Chairman, as well as all principal Cabinet Ministers within the NTGL shall not contest for any elective office during the 2005 elections to be held in Liberia.

**Page 19-20; PART EIGHT: POLITICAL ISSUES; ARTICLE XXVI: THE
CABINET**

1. The NTGL shall maintain the profile and structure of the Executive Branch of the present Government of Liberia.

2. In addition to the Commissions established by this Agreement, all existing public corporations and autonomous Agencies/Commissions shall operate under the present transitional arrangement, excluding the existing Commissions that have already been referred to under Articles XII and XIII of this Agreement.

3. The ministers, deputy and assistant ministers, heads of autonomous agencies, commissions, public corporations and state-owned enterprises, who

should preferably be technocrats, shall be representatives of a broad cross-section of the Liberian society.

4. Allocation of ministerial positions, deputy and assistant ministerial positions, headship of autonomous agencies, commissions, public corporations and state-owned enterprises shall be made to the Parties to this Agreement through a process of negotiation. The allocations as agreed to by the Parties are contained in Annex 4 attached to the Agreement. Annex 4 is an integral part of this Agreement,

5a. The Parties shall forward to the Transitional Chairman within a period of seven (7) days, the name of one nominee for each position allocated to them.

b. The Transitional Chairman shall within a three (3) day period, forward from the individual list of nominees from the Parties, the candidate for each position, to the NTLA. The NTLA shall, within seven (7) days, confirm or reject the candidate from each of the Parties' list for each position.

c. Where the NTLA is unable to confirm a candidate from any of the Parties' list so submitted, the Chairman shall, following the same procedure as in V above and within three (3) days of receiving notification of non-confirmation from the NTLA, submit other name(s) which shall be obtained for the relevant Parties to the NTLA. The NTLA shall thereafter, within the same seven (7) day period, make a final selection thereon.

6. The mandate of the Cabinet shall include:

a. Implementation of the decisions of the NTGL.

b. Conduct of the usual activities of government ministries.

c. Initiation of policies and recommendation of same to the Transitional Chairman for approval.

7. The Parties call on the United Nations, the ECOWAS, the AU, the International Monetary Fund, the World Bank, African Development Bank and other international institutions in a position to do so, to assign trained personnel and international experts for the purpose of providing technical support and assistance to the NTGL, especially for the functioning of its ministries and parastatals.

Page 46; Annex 4: ALLOCATION OF CABINET POSITIONS. PUBLIC CORPORATIONS AND AUTONOMOUS AGENCIES/ COMMISSIONS UNDER THE NTGL

1. In conformity with Articles XXVI(I) and (2) of the Peace Agreement, the profile of the Executive Branch of the present Government of Liberia shall be maintained.

2 a. Twenty-one (21) out of the twenty-two (22) existing ministries shall operate under the Transitional Government.

b. The Ministry of State without Portfolio shall cease to exist.

3. The functioning Ministries are as follows:

i. Ministry of Agriculture; ii. Ministry of Commerce;

iii. Ministry-of Education;

iv. Ministry of Finance

v. Ministry of Foreign Affairs

vi. Ministry of Gender and Development

vii. Ministry of Health and Social Welfare

viii. Ministry of Information

ix. Ministry of Internal Affairs

x. Ministry of Justice

xi. Ministry of Labor

xii. Ministry of Lands, Mines and Energy;

xiii. Ministry of National Defense

xiv. Ministry of National Security

xv. Ministry of Planning and Economic Affairs

xvi. Ministry of Post and Telecommunications

xvii. Ministry of Public Works

xviii. Ministry of Rural Development

xix. Ministry of Ministry of State

- xx. Ministry of Transport
- xxi. Ministry of Youth and Sports

4. The following ministries have been allocated to the three warring parties:

For the GOL

- i. Ministry of Posts and Telecommunications
- ii. Ministry of Health and Social Welfare;
- iii. Ministry of National Defence;
- iv. Ministry of Planning and Economic Affairs;
- v. Ministry of Internal Affairs.

For the LURD

- i. Ministry of Finance;
- ii. Ministry of Justice;
- iii. Ministry of Labor;
- iv. Ministry of Transport
- v. Ministry of State;

For the MODEL

- i. Ministry of Agriculture;
- ii. Ministry of Commerce;
- iii. Ministry of Lands, Mines and Energy;
- iv. Ministry of Public Works;
- v. Ministry of Foreign Affairs.

5. The following Ministries shall be allocated to the Political Parties and the Civil Society:

- i. Ministry of National Security;
- ii. Ministry of Education;
- iii. Ministry of Gender and Development;
- iv. Ministry of Information;
- v. Ministry of Rural Development;
- vi. Ministry of Youth and Sports.

6. The Warring Parties shall be allocated two (2) Deputy Ministerial Positions in the Ministries allocated to them.

**Page 23; PART TEN: IMPLEMENTATION OF THE PEACE AGREEMENT;
ARTICLE XXXV: SPECIAL PROVISIONS**

1a. In order to give effect to paragraph 8(i) of the Ceasefire Agreement of 17* June 2003 signed by the GOL, the LURD and the MODEL, for the formation of a Transitional Government, the Parties agree on the need for an extra-Constitutional arrangement that will facilitate its formation and take into account the establishment and proper functioning of the entire transitional arrangement.

b. Accordingly, the provisions of the present Constitution of the Republic of Liberia, the Statutes and all other Liberian laws, which relate to the establishment, composition and powers of the Executive, the Legislative and Judicial branches of the Government, are hereby suspended.

tr_jud Judiciary Reform

**Page 16; PART EIGHT: POLITICAL ISSUES; ARTICLE XXI:
ESTABLISHMENT OF A TRANSITIONAL GOVERNMENT
[...]**

**Page 17; PART EIGHT: POLITICAL ISSUES; ARTICLE XXIII:
STRUCTURE OF THE NTGL**

The NTGL shall consist of three branches, namely:
iii. The Judiciary.

**Page 20; PART EIGHT: POLITICAL ISSUES; ARTICLE XXVII: THE
JUDICIARY**

1. The Judiciary shall be the third organ of the NTGL. Its structure shall remain unchanged.

2. Immediately upon the installation of the NTGL, all members of the Supreme Court of Liberia i.e. the Chief Judge and all its Associate Justices shall be deemed to have resigned.

3. Under the NTGL, all new judicial appointments shall be made by the Chairman of the NTGL and approved by the NTLA. Nominations for such judicial appointments shall be based on a shortlist of candidates for each position recommended by the National Bar Association, including the female lawyers.

4. The Chief Justice and all Associate Justices within the NTGL shall not contest for any elective office during the 2005 elections to be held in Liberia.

**Page 12; PART SEVEN: HUMANITARIAN ISSUES; ARTICLE XIV:
HUMANITARIAN RELIEF**

2. The Transitional Government provided for in this agreement shall ensure the establishment of effective administrative and security infrastructure to monitor and support the implementation of these guarantees contained in subparagraph 1b of the present Article XIV.

**Page 13-14; PART EIGHT: POLITICAL ISSUES; ARTICLE XVI:
ESTABLISHMENT OF A GOVERNANCE REFORM COMMISSION**

1. A Governance Reform Commission is hereby established. The Commission shall be a vehicle for the promotion of the principles of good governance in Liberia.

2. The mandate of the Commission shall be to:

a. Review the existing program for the Promotion of Good Governance in Liberia, with the objective of adjusting its scope and strategy for implementation;

b. Develop public sector management reforms through assessment, reforms, capacity building and performance monitoring;

c. Ensure transparency and accountability in governance in all government institutions and activities, including acting as the Public Ombudsman;

d. Ensure subsidiarity in governance through decentralisation and participation;

e. Ensure a national and regional balance in appointments without compromising quality and integrity;

f. Ensure an enabling environment which will attract private sector direct investment;

g. Monitor, assess and report to the NTLA on the implementation and impact of activities undertaken to encourage the practice of good governance in Liberia.

3. The Structure of the Commission shall be as follows:
[...]

**Page 14-15; PART EIGHT: POLITICAL ISSUES; ARTICLE XVII:
CONTRACT AND MONOPOLIES COMMISSION (CMC)**

1. A Contract and Monopolies Commission is hereby established in Liberia to oversee activities of a contractual nature undertaken by the NTGL.

2. Its mandate shall include:

tr_adm

Public
Administration
Reform

- a. Ensuring that all public financial and budgetary commitments entered into by the NTGL are transparent, non-monopolistic and in accordance with the laws of Liberia and internationally accepted norms of commercial practice;
- b. Ensuring that public officers will not use their positions to benefit from any contract financed from public funds;
- c. Publishing all tenders in the media and on its own website to ensure maximum competition and transparency. The Commission shall also publish on its website the result of tenders as well as a record of all commercial entities that have participated and succeeded in reviewing contracts;
- d. Ensuring the formulation and effective implementation of sound macro-economic policies that will support sustainable development goals;
- e. Collaborate with the international institutions to provide finance to Liberia in carrying out its functions
[...]

Page 19; PART EIGHT: POLITICAL ISSUES; ARTICLE XXVI: THE CABINET

3. The ministers, deputy and assistant ministers, heads of autonomous agencies, commissions, public corporations and state-owned enterprises, who should preferably be technocrats, shall be representatives of a broad cross-section of the Liberian society.

Page 47-50; Annex 4: ALLOCATION OF CABINET POSITIONS. PUBLIC CORPORATIONS AND AUTONOMOUS AGENCIES/ COMMISSIONS UNDER THE NTGL

7. A total number of twenty-two (22) Public Corporations shall operate under the Transitional Government.

8. The Public Corporations are as follows:

- i. Agriculture Cooperative Development Bank
- ii. Agriculture Industrial Training Board
- iii. Forestry Development Authority
- iv. Liberia Broadcasting System
- v. Liberia Domestic Airport Authority
- vi. Liberia Electricity Corporation
- vii. Liberia Free Zone Authority
- viii. Liberia Mining Corporation
- ix. Liberia National Lotteries
- x. Liberia Petroleum Refining Corporation
- xi. Liberia Rubber Development Unit
- xii. Liberia Telecommunications Corporation
- xiii. Liberia Water and Sewer Corporation
- xiv. Liberian National Oil Company
- xv. Liberian Produce Marketing Corporation
- xvi. Monrovia Transit Authority
- xvii. National Housing and Savings Bank
- xviii. National Housing Authority
- xix. National Insurance Corporation of Liberia
- xx. National Port Authority
- xxi. National Social Security and Welfare Corporation
- xxii. Robert International Airport

9. The following Public Corporations have been allocated to the Warring Parties:

For the GOL

- i. Liberia Broadcasting System;
- ii. Liberia Electricity Corporation;
- iii. Liberia Petroleum Refining Corporation;
- iv. Liberia Water and Sewer Corporation.

For the LURD

- i. Liberia Free Zone Authority;

- ii. Liberian Telecommunications Corporation;
- iii. Liberian Produce Marketing Corporation;
- iv. National Ports Authority.

For the MODEL

- i. Agriculture, Corporative Development Bank;
- ii. Forestry Development Authority;
- iii. Roberts International Airport;
- iv. National Social Security and Welfare Corporation.

10. Public Corporations allocated to the Political Parties and Q'vil Society are as follows:

- i. Agriculture Industrial Training Board;
- ii. Liberia Domestic Airport Authority;
- iii. Liberia Mining Corporation;
- iv. Liberia National Lotteries;
- v. Liberia Rubber Development Unit;
- vi. Liberia National Oil Company;
- vii. Monrovia Transit Authority;
- viii. National Housing and Savings Bank;
- ix. National Housing Authority;
- x. National Insurance Corporation of Liberia.

10. A total number of twenty-two (22) Autonomous Agencies/Commissions shall operate under the Transitional Government. These include Commissions that have been established under the Peace Agreement.

11. They are:

- i. Bureau of Immigration and Naturalization
- ii. Bureau of General Auditing
- iii. Bureau of Maritime Affairs
- iv. Bureau of State Enterprises
- v. Bureau of Budget
- vi. Center for National Documentation and Records
- vii. Civil Service Agency
- viii. Cooperative Development Agency
- ix. General Service Agency
- x. John F. Kennedy Memorial Medical Center
- xi. Liberia National Police Force
- xii. Liberia Refugee, Repatriation and resettlement Commission
- xiii. National Bureau of investigation
- xiv. National Rre Services
- xv. National food Assistance Agency
- xvi. National Investment Commission
- xvii. National Security Agency
- xviii. Truth and reconciliation Commission
- xix. Independent National Human Rights Commission
- xx. Governance Reform Commission
- xxi. Contract Monopolies Commission
- xxii. National Elections Commission.

12. The following Autonomous Agencies/Commissions have been allocated to Warring Parties:

For the GOL

- i. Bureau of the Budget;
- ii. National Security Agency.

For the LURD

- i. General Service Agency;
- ii. National Investment Commission;

For the MODEL

- i. Bureau of Maritime Affairs;
- ii. Liberia Refugee Repatriation and Resettlement Commission;

12. Autonomous Agencies allocated to Political Parties and the Civil Society are as follows:

- i. Bureau of Immigration and Naturalization;
- ii. Bureau of General Auditing;
- iii. Bureau of State Enterprises;

- iv. Center for National DOC and Records;
- v. Civil Service Agency;
- vi. Corporative Development Agency;
- vii. John F. Kennedy Memorial Medical center;
- viii. Independent National Human Rights Commission;
- ix. Liberia National Police Force;
- x. Truth and Reconciliation Commission;
- xi. The National Bureau of Investigation;
- xii. National Fire Services;
- xiii. National Food Assistance Agency;
- xiv. Contracts and Monopolies Commission;
- xv. National Elections Commission;
- xvi. Governance reform Commission.

Page 9; PART FOUR: SECURITY SECTOR REFORM; ARTICLE VII: DISBANDMENT OF IRREGULAR FORCES, REFORMING AND RESTRUCTURING OF THE LIBERIAN ARMED FORCES

1. The Parties agree that:

a. All irregular forces shall be disbanded.

b. The Armed Forces of Liberia shall be restructured and will have a new command structure. The forces may be drawn from the ranks of the present GOL forces, the LURD and the MODEL, as well as from civilians with appropriate background and experience. The Parties request that ECOWAS, the UN, AU, and the ICGL provide advisory staff, equipment, logistics and experienced trainers for the security reform effort. The Parties also request that the United States of America play a lead role in organising this restructuring program.

2. The following Principles shall be taken into account in the formation of the restructured Liberian Armed Forces:

a. Incoming service personnel shall be screened with respect to educational, professional, medical and fitness qualifications as well as prior history with regard to human rights abuses;

b. The restructured force shall take into account the country's national balance. It shall be composed without any political bias to ensure that it represents the national character of Liberia;

c. The Mission of the Armed Forces of Liberia shall be to defend the national sovereignty and in extremis, respond to natural disasters;

d. All Parties shall cooperate with ECOWAS, the UN, the AU, the ICGL and the United States of America.

3. All Parties together shall organise Information, Education and Communication (IEC) programs to sensitise the Liberian public as to the mission and authorities of the restructuring plan.

Page 31; Annex 1: Agreement on Ceasefire and Cessation of Hostilities Between the Government of the Republic of Liberia and Liberians United for Reconciliation and Democracy and the Movement for Democracy in Liberia

We the Parties to this Agreement
[...]

HEREBY AGREE AS FOLLOWS:
[...]

8. Political Reconciliation. The signing of this agreement shall be followed immediately by the engagement of the GOL, LURD and MODEL with all other Liberian political parties and stakeholders in dialogue, to seek, within a period of thirty (30) days, a comprehensive peace agreement. The peace agreement shall amongst other issues, cover the following:-
[...]

tr_mil

Military Reform

c. Restructuring of the security forces (Security sector reform);

Page 3-4; PART ONE; ARTICLE I: DEFINITIONS

"LNP" means the Liberian National Police;
[...]

"UNCIVPOL" means the United Nations Civil Police Component of the United Nations Stabilisation Force;

Page 10; PART FOUR: SECURITY SECTOR REFORM; ARTICLE VIII: RESTRUCTURING OF THE LIBERIAN NATIONAL POLICE (LNP) AND OTHER SECURITY SERVICES

1. There shall be an immediate restructuring of the National Police Force, the Immigration Force, Special Security Service (SSS), custom security guards and such other statutory security units. These restructured security forces shall adopt a professional orientation that emphasizes democratic values and respect for human rights, a non-partisan approach to duty and the avoidance of corrupt practices.

tr_pol

Police Reform

2. The Special Security Units including the Anti-Terrorist Unit, the Special Operations Division (SOD) of the Liberian National Police Force and such paramilitary groups that operate within organisations as the National Ports Authority (NPA), the Liberian Telecommunications Corporation (NTC), the Liberian Refining Corporation (LPRC) and the Airports shall be disarmed and restructured.

3. Until the deployment of newly trained national police, maintenance of law and order throughout Liberia shall be the responsibility of an interim police force.

4. The Parties call on the United Nations Civil Police components (UNCIVPOL) within the ISF to monitor the activities of the interim police force and assist in the maintenance of law and order throughout Liberia.

5. The Parties also call on UNCIVPOL and other relevant International Agencies to assist in the development and implementation of training programs for the LNP.

6. The interim police will only be allowed to carry side arms.

7. All large calibre weapons shall be turned over to the ISF.

tr_edu

Education Reform

Page 9; PART FOUR: SECURITY SECTOR REFORM; ARTICLE VII: DISBANDMENT OF IRREGULAR FORCES, REFORMING AND RESTRUCTURING OF THE LIBERIAN ARMED FORCES

tr_med

Media Reform

3. All Parties together shall organise Information, Education and Communication (IEC) programs to sensitise the Liberian public as to the mission and activities of the restructuring plan.

Page 11; PART SIX: HUMAN RIGHTS ISSUES; ARTICLE XII: HUMAN RIGHTS

2. [...]

b. The INCHR shall monitor compliance with the basic rights guaranteed in the present Peace Agreement as well as promote human rights education throughout the various sectors of Liberian society, including schools, the media, the police and the military.

**Page 22; PART TEN: IMPLEMENTATION OF THE PEACE AGREEMENT;
ARTICLE XXXII: RESPONSIBILITY OF THE PARTIES**

2. The Parties shall ensure that the terms of the present Peace Agreement and written orders requiring compliance, are immediately communicated to all of their forces and supporters.

3. The terms of the Agreement shall concurrently be communicated to the civilian population by radio, television, print, electronic and other media. An Implementation Timetable for the Agreement is hereby attached as Annex 3.

Page 2-3; PART ONE; ARTICLE I: DEFINITIONS

"DDRR" means Disarmament, Demobilization, Rehabilitation and Reintegration;

[...]

"NCDDRR" means the National Commission for Disarmament, Demobilization, Rehabilitation and Reintegration established under Article VI of this Agreement;

**Page 5; PART TWO: CESSATION OF HOSTILITIES; ARTICLE III:
CEASEFIRE MONITORING**

2. The mandate of the ECOWAS Interposition Force shall also include the following:

[...]

c. Establishing conditions for the initial stages of Disarmament, Demobilisation and Reintegration (DDR) activities;

[...]

g. Monitoring the storage of arms, munitions and equipment, including supervising the collection, storage and custody of battlefield or offensive armament in the hands of combatants;

tr_ddr

Demobilization,
Disarmament &
Reintegration

**Page 5; PART TWO: CESSATION OF HOSTILITIES; ARTICLE III:
CEASEFIRE MONITORING**

6. The Parties shall provide the JMC with any relevant information on the organisation, equipment and locations of their forces, and such information will be kept confidential.

**Page 6; PART TWO: CESSATION OF HOSTILITIES; ARTICLE IV:
INTERNATIONAL STABILIZATION FORCE**

3. The Parties request the ISF to assume the following mandate:

[...]

c. Monitor disengagement and cantonment of forces of the Parties and provide security at disarmament/cantonment sites;

d. Collect weapons at disarmament sites and elsewhere and ensure that the weapons so collected are properly accounted for and adequately secured;

**Page 7; PART TWO: CESSATION OF HOSTILITIES; ARTICLE V:
DISENGAGEMENT**

1. There shall be immediate disengagement of forces of the Parties to the Ceasefire Agreement in line with the principles of that Agreement.

2. Disengagement of forces shall mean the immediate breaking of tactical contact between opposing military forces of the GOL, the LURD, and the

MODEL, at places where they are in direct contact or within range of direct fire weapons.

3. Immediate disengagement at the initiative of all military units shall be limited to the effective range of direct fire weapons. Further disengagement to pull all weapons out of range shall be conducted under the guidance of the ISF. The Parties to the Ceasefire Agreement undertake to remain in their disengagement positions until the conclusion of cantonment plans by the International Stabilisation Force and the NCDDRR established under Article VI(8) of the Agreement. They are also responsible for armed groups operating within their territories.

4. Where immediate disengagement is not possible, a framework and sequence of disengagement shall be agreed upon by all parties to the Ceasefire through the Joint Monitoring Committee (JMC).

5. Wherever disengagement by movement is impossible or impractical, alternative solutions requiring that weapons are rendered safe shall be designed by the ISF.

Page 8-9; PART THREE; ARTICLE VI: CANTONMENT, DISARMAMENT, DEMOBILIZATION, REHABILITATION AND REINTEGRATION (CDDRR)

1. The parties commit themselves to ensuring the prompt and efficient implementation of a national process of cantonment, disarmament, demobilization, rehabilitation and reintegration.

2. The ISF shall conduct the disarmament of all combatants of the Parties including paramilitary groups.

3. Following disengagement, all forces shall withdraw from combat positions to cantonment locations in accordance with the withdrawal and cantonment plan to be published by the International Stabilisation Force and the NCDDRR, no later than thirty (30) days after the installation of the NTGL. The current Armed Forces of Liberia shall be confined to the barracks, their arms placed in armouries and their ammunition in storage bunkers.

4. All arms and ammunition shall be placed under constant surveillance by the ISF.

5. The JMC shall verify the reported data and information provided by the GOL, the LURD and the MODEL about their forces. All forces shall be restricted to the declared and recorded locations and all movements shall be authorized by the JMC and the ISF.

6. All combatants shall remain in the declared and recorded locations until they proceed to reintegration activities or training for entry into the restructured Liberian armed forces or into civilian life.

7. The ISF is requested to deploy to all disarmament and demobilization locations in order to facilitate and monitor the program of disarmament.

8. There shall be an interdisciplinary and interdepartmental National Commission for Disarmament, Demobilization, Rehabilitation and Reintegration (NCDDRR) to coordinate DDDR activities.

9. The NCDDRR shall comprise representatives from relevant NTGL Agencies, the GOL, LURD, MODEL, ECOWAS, the United Nations, the African Union and the ICGL.

10. It shall oversee and coordinate the disarmament, demobilization, rehabilitation and reintegration of combatants, working closely with the ISF and all relevant international and Liberian institutions and agencies.

11. Upon the signing of the present Agreement, the Transitional Government provided for in this Agreement shall request the International Community to assist in the implementation of the Cantonment, Disarmament, Demobilization, Rehabilitation and Reintegration program through the provision of adequate financial and technical resources.

**Page 9; PART FOUR: SECURITY SECTOR REFORM; ARTICLE VII:
DISBANDMENT OF IRREGULAR FORCES, REFORMING AND
RESTRUCTURING OF THE LIBERIAN
ARMED FORCES**

1. The Parties agree that:
 - a. All irregular forces shall be disbanded.

**Page 10; PART FOUR SECURITY SECTOR REFORM; ARTICLE VIII:
RESTRUCTURING OF THE LIBERIAN NATIONAL POLICE (LNP) AND
OTHER SECURITY SERVICES**

2. The Special Security Units including the Anti-Terrorist Unit, the Special Operations Division (SOD) of the Liberian National Police Force and such paramilitary groups that operate within organisations as the National Ports Authority (NPA), the Liberian Telecommunications Corporation (NTC), the Liberian Refining Corporation (LPRC) and the Airports shall be disarmed and restructured.

7. All large calibre weapons shall be turned over to the ISF.

**Page 16; PART EIGHT: POLITICAL ISSUES; ARTICLE XXI:
ESTABLISHMENT OF A TRANSITIONAL GOVERNMENT**

5. The LURD, MODEL, and all irregular forces of the GOL shall cease to exist as military forces, upon completion of disarmament.

6. There shall be no restriction on members of the LURD and MODEL to engage in national politics through the formation of political parties or otherwise, save and except those restrictions imposed on all parties and associations by the relevant laws of Liberia.

**Page 22; PART NINE: POST-CONFLICT REHABILITATION AND
RECONSTRUCTION; ARTICLE XXXI: VULNERABLE GROUPS**

- 2a. The NTGL shall, in addition, accord special attention to the issue of child combatants.

- b. It shall, accordingly, mobilize resources with the assistance of the International Community, especially in cooperation with the Office of the U.N. Special Representative for Children in Armed Conflict, UNICEF, the African Committee of Experts on the Rights and Welfare of the Child and other relevant agencies, to address their special demobilization and re-integration needs.

**Page 31; Annex 1: Agreement on Ceasefire and Cessation of Hostilities
Between the Government of the Republic of Liberia and Liberians
United for Reconciliation and Democracy and the Movement for
Democracy in Liberia**

We the Parties to this Agreement
[...]
HEREBY AGREE AS FOLLOWS:
[...]

8. Political Reconciliation. The signing of this agreement shall be followed immediately by the engagement of the GOL, LURD and MODEL with all other Liberian political parties and stakeholders in dialogue, to seek, within a period of thirty (30) days, a comprehensive peace agreement. The peace agreement shall amongst other issues, cover the following:-

- [...]
- b. Commencement of a Disarmament, Demobilization and Reintegration programme;

tr_tim	Transitional Timeline	<p>Page 38-45; Annex 3: IMPLEMENTATION TIMETABLE OF THE LIBERIA PEACE AGREEMENT</p> <p>[...]</p>
tr_epr	Electoral & Political Party Reform	<p>Page 3; PART ONE; ARTICLE I: DEFINITIONS</p> <p>"NEC" means the National Electoral Commission;</p> <p>Page 15; PART EIGHT: POLITICAL ISSUES; ARTICLE XVIII: ELECTORAL REFORM</p> <p>1. The Parties agree that the present electoral system in Liberia shall be reformed.</p> <p>2a. In this regard and amongst other measures that may be undertaken, the National Elections Commission (NEC) shall be reconstituted and shall be independent. It shall operate in conformity with UN standards, in order to ensure that the rights and interests of Liberians are guaranteed, and that the elections are organized in a manner that is acceptable to all.</p> <p>b. Appointments to the NEC shall be made by the Chairman with the advice and consent of the NTLA within three months from the entry into force of this Agreement. It shall be composed of men and women of integrity.</p> <p>Page 15-16; PART EIGHT: POLITICAL ISSUES; ARTICLE IX: ORGANISATION OF ELECTIONS</p> <p>1. The Parties agree that, given the present circumstances, and until appropriate conditions are met, the Presidential and General elections scheduled for October, 2003 shall be postponed.</p> <p>2. National elections shall be conducted no later than October, 2005.</p> <p>3. In order to create appropriate conditions for elections, a re-demarcation of constituencies shall be carried out in order to take account of newly created Counties.</p> <p>4a. The Parties agree that the Transitional Government provided for in this Agreement shall request the United Nations, the African Union, ECOWAS and other members of the International Community as appropriate, to jointly conduct, monitor, and supervise the next elections in the country.</p> <p>b. Voters education and registration programs shall be organized by the newly reconstituted NEC in collaboration with other national and International organizations under the supervision of the United Nations.</p> <p>Page 16; PART EIGHT: POLITICAL ISSUES; ARTICLE XXI: ESTABLISHMENT OF A TRANSITIONAL GOVERNMENT</p> <p>6. There shall be no restriction on members of the LURD and MODEL to engage in national politics through the formation of political parties or otherwise, save and except those restrictions imposed on all parties and associations by the relevant laws of Liberia.</p> <p>Page 31; Annex 1: Agreement on Ceasefire and Cessation of Hostilities Between the Government of the Republic of Liberia and Liberians United for Reconciliation and Democracy and the Movement for Democracy in Liberia</p> <p>We the Parties to this Agreement [...]</p> <p>HEREBY AGREE AS FOLLOWS:</p>

[...]

8. Political Reconciliation. The signing of this agreement shall be followed immediately by the engagement of the GOL, LURD and MODEL with all other Liberian political parties and stakeholders in dialogue, to seek, within a period of thirty (30) days, a comprehensive peace agreement. The peace agreement shall amongst other issues, cover the following:-

[...]

h. Creation of a democratic space;

[...]

j. Elections.

Page 49-50; Annex 4: Allocation of Cabinet Positions, Public Corporations and Autonomus Agencies/Commission Under the NTGL

11. They are:

[...]

xxii. National Elections Commission.

12. Autonomous Agencies allocated to Political Parties and the Civil Society are as follows:

[...]

xv. National Elections Commission;

Page 13; PART EIGHT: POLITICAL ISSUES; ARTICLE XVI: ESTABLISHMENT OF A GOVERNANCE REFORM COMMISSION

2. The mandate of the Commission shall be to:

[...]

f. Ensure an enabling environment which will attract private sector direct investment;

Page 14; PART EIGHT: POLITICAL ISSUES; ARTICLE XVII: CONTRACT AND MONOPOLIES COMMISSION (CMC)

1. A Contract and Monopolies Commission is hereby established in Liberia to oversee activities of a contractual nature undertaken by the NTGL.

2. Its mandate shall include:

[...]

(d) Ensuring the formulation and effective implementation of sound macro-economic policies that will support sustainable development goals;

tr_dev

Socio-Economic
Development

Page 22; PART NINE: POST-CONFLICT REHABILITATION AND RECONSTRUCTION; ARTICLE XXXI: VULNERABLE GROUPS

3. The NTGL, in formulating and implementing programs for national rehabilitation, reconstruction and development, for the moral, social and physical reconstruction of Liberia in the post-conflict period, shall ensure that the needs and potentials of the war victims are taken into account and that gender balance is maintained in apportioning responsibilities for program implementation.

Page 31; Annex 1: Agreement on Ceasefire and Cessation of Hostilities Between the Government of the Republic of Liberia and Liberians United for Reconciliation and Democracy and the Movement for Democracy in Liberia

HEREBY AGREE AS FOLLOWS:

[...]

8. Political Reconciliation. The signing of this agreement shall be followed immediately by the engagement of the GOL, LURD and MODEL with all other Liberian political parties and stakeholders in dialogue, to seek, within a period of thirty (30) days, a comprehensive peace agreement. The peace agreement shall amongst other issues, cover the following:-

[...]

- f. Socio-economic reforms;
- g. Reconstruction/Rehabilitation;

Page 46-50; Annex 4: ALLOCATION OF CABINET POSITIONS. PUBLIC CORPORATIONS AND AUTONOMOUS AGENCIES/ COMMISSIONS UNDER THE NTGL

3. The functioning Ministries are as follows:

- i. Ministry of Agriculture;
- ii. Ministry of Commerce;
- iii. Ministry-of Education;
- iv. Ministry of Finance
[...]
- vi. Ministry of Gender and Development
- vii. Ministry of Health and Social Welfare
- viii. Ministry of Information
- ix. Ministry of Internal Affairs
[...]
- xi. Ministry of Labor
- xii. Ministry of Lands, Mines and Energy;
[...]
- xv. Ministry of Planning and Economic Affairs
- xvi. Ministry of Post and Telecommunications
- xvii. Ministry of Public Works
- xviii. Ministry of Rural Development
[...]
- xx. Ministry of Transport
- xxi. Ministry of Youth and Sports

4. The following ministries have been allocated to the three warring parties:

For the GOL

- i. Ministry of Posts and Telecommunications
- ii. Ministry of Health and Social Welfare;
[...]
- iv. Ministry of Planning and Economic Affairs;
- v. Ministry of Internal Affairs.

For the LURD

- i. Ministry of Finance;
[...]
- iii. Ministry of Labor;
- iv. Ministry of Transport
[...]

For the MODEL

- i. Ministry of Agriculture;
- ii. Ministry of Commerce;
- iii. Ministry of Lands, Mines and Energy;
- iv. Ministry of Public Works;
[...]

5. The following Ministries shall be allocated to the Political Parties and the Civil Society:

- [...]
- ii. Ministry of Education;
- iii. Ministry of Gender and Development;
- iv. Ministry of Information;
- v. Ministry of Rural Development;
- vi. Ministry of Youth and Sports.

7. A total number of twenty-two (22) Public Corporations shall operate under the Transitional Government.

8. The Public Corporations are as follows:

- i. Agriculture Cooperative Development Bank
- ii. Agriculture Industrial Training Board
- iii. Forestry Development Authority
- iv. Liberia Broadcasting System

- v. Liberia Domestic Airport Authority
- vi. Liberia Electricity Corporation
- vii. Liberia Free Zone Authority
- viii. Liberia Mining Corporation
- ix. Liberia National Lotteries
- x. Liberia Petroleum Refining Corporation
- xi. Liberia Rubber Development Unit
- xii. Liberia Telecommunications Corporation
- xiii. Liberia Water and Sewer Corporation
- xiv. Liberian National Oil Company
- xv. Liberian Produce Marketing Corporation
- xvi. Monrovia Transit Authority
- xvii. National Housing and Savings Bank
- xviii. National Housing Authority
- xix. National Insurance Corporation of Liberia
- xx. National Port Authority
- xxi. National Social Security and Welfare Corporation
- xxii. Robert International Airport

9. The following Public Corporations have been allocated to the Warring Parties:

For the GOL

- i. Liberia Broadcasting System;
- ii. Liberia Electricity Corporation;
- iii. Liberia Petroleum Refining Corporation;
- iv. Liberia Water and Sewer Corporation.

For the LURD

- i. Liberia Free Zone Authority;
- ii. Liberian Telecommunications Corporation;
- iii. Liberian Produce Marketing Corporation;
- iv. National Ports Authority.

For the MODEL

- i. Agriculture, Corporative Development Bank;
- ii. Forestry Development Authority;
- iii. Roberts International Airport;
- iv. National Social Security and Welfare Corporation.

10. Public Corporations allocated to the Political Parties and Q'vil Society are as follows:

- i. Agriculture Industrial Training Board;
- ii. Liberia Domestic Airport Authority;
- iii. Liberia Mining Corporation;
- iv. Liberia National Lotteries;
- v. Liberia Rubber Development Unit;
- vi. Liberia National Oil Company;
- vii. Monrovia Transit Authority;
- viii. National Housing and Savings Bank;
- ix. National Housing Authority;
- x. National Insurance Corporation of Liberia.

10. A total number of twenty-two (22) Autonomous Agencies/Commissions shall operate under the Transitional Government. These include Commissions that have been established under the Peace Agreement.

11. They are:

- i. Bureau of Immigration and Naturalization
- ii. Bureau of General Auditing
- iii. Bureau of Maritime Affairs
- iv. Bureau of State Enterprises
- [...]
- vi. Center for National Documentation and Records
- [...]
- viii. Cooperative Development Agency
- [...]
- x. John F. Kennedy Memorial Medical Center
- [...]
- xii. Liberia Refugee, Repatriation and resettlement Commission
- xiii. National Bureau of investigation

- xiv. National Fire Services
- xv. National food Assistance Agency
- xvi. National Investment Commission
- [...]
- xx. Governance Reform Commission
- xxi. Contract Monopolies Commission
- [...]

12. The following Autonomous Agencies/Commissions have been allocated to Warring Parties:

For the GOL
[...]

For the LURD
[...]
ii. National Investment Commission;

For the MODEL
i. Bureau of Maritime Affairs;
ii. Liberia Refugee Repatriation and Resettlement Commission;

12. Autonomous Agencies allocated to Political Parties and the Civil Society are as follows:

- i. Bureau of Immigration and Naturalization;
- ii. Bureau of General Auditing;
- iii. Bureau of State Enterprises;
- iv. Center for National DOC and Records;
- [...]
- vi. Corporative Development Agency;
- vii. John F. Kennedy Memorial Medical center;
- [...]
- xii. National Fire Services;
- xiii. National Food Assistance Agency;
- xiv. Contracts and Monopolies Commission;
- [...]
- xvi. Governance reform Commission.

tr_cul

Cultural Heritage/
Protections

Page 14; PART EIGHT: POLITICAL ISSUES; ARTICLE XVII CONTRACT AND MONOPOLIES COMMISSION (CMC)

2. Its mandate shall include:

a. Ensuring that all public financial and budgetary commitments entered into by the NTGL are transparent, non-monopolistic and in accordance with the laws of Liberia and internationally accepted norms of commercial practice;

b. Ensuring that public officers will not use their positions to benefit from any contract financed from public funds;

tr_fin

Financial
Arrangements

Page 48-49; Annex 4: ALLOCATION OF CABINET POSITIONS. PUBLIC CORPORATIONS AND AUTONOMOUS AGENCIES/ COMMISSIONS UNDER THE NTGL

8. The Public Corporations are as follows:
[...]

xvii. National Housing and Savings Bank

[...]

xix. National Insurance Corporation of Liberia

10. Public Corporations allocated to the Political Parties and Civil Society are as follows:

	<p>[...] viii. National Housing and Savings Bank; [...] x. National Insurance Corporation of Liberia.</p> <p>11. They are: [...] v. Bureau of Budget</p> <p>12. The following Autonomous Agencies/Commissions have been allocated to Warring Parties:</p> <p>For the GOL i. Bureau of the Budget;</p>
<p>tj_dsm Dispute Settlement Mechanisms</p>	<p>Page 5; PART TWO: CESSATION OF HOSTILITIES; ARTICLE III: CEASEFIRE MONITORING</p> <p>5. The JMC shall:</p> <p>a. Resolve disputes concerning implementation of the Ceasefire Agreement, including the investigation of any alleged violation and also recommend remedial action for confirmed ceasefire violations.</p> <p>Page 24; PART ELEVEN; ARTICLE XXXVI: SETTLEMENT OF DISPUTES</p> <p>Any dispute within the NTGL, arising out of the application or interpretation of the provisions of this Agreement shall be settled through a process of mediation to be organized by ECOWAS in collaboration with the UN, the AU and the ICGL.</p>
<p>ia_ver Verification & Monitoring Mechanism</p>	<p>Page 3; PART ONE; ARTICLE I: DEFINITIONS</p> <p>"IMC" means the Implementation Monitoring Committee; [...] "JMC" means The Joint Monitoring Committee established under paragraph 6 of the Ceasefire Agreement;</p> <p>Page 5; PART TWO: CESSATION OF HOSTILITIES; ARTICLE III: CEASEFIRE MONITORING</p> <p>[...] 3. The Joint Monitoring Committee (JMC) established under the terms of the Ceasefire Agreement, and composed of representatives of ECOWAS, the UN, the implementation of the Ceasefire Agreement;</p> <p>4. Prior to the deployment of the International Stabilisation Force, a representative of ECOWAS shall chair the JMC.</p> <p>5. The JMC shall:</p> <p>a. Resolve disputes concerning implementation of the Ceasefire Agreement, including the investigation of any alleged violation and also recommend remedial action for confirmed ceasefire violations.</p> <p>b. Submit for approval, its recommendations to the Implementation Monitoring Committee (IMC) referred to under Article XXVIII(2) and (3) in this Agreement which is seized with the responsibility of monitoring the implementation of this Peace Agreement.</p> <p>6. The Parties shall provide the JMC with any relevant information on the organisation, equipment and locations of their forces, and such information will be kept confidential.</p> <p>Page 5; PART TWO: CESSATION OF HOSTILITIES; ARTICLE IV: INTERNATIONAL STABILISATION FORCE</p>

[...]

2. The ECOWAS Interposition Force is expected to become a part of the International Stabilisation Force.

3. The Parties request the ISF to assume the following mandate:

(a) Observe and monitor the ceasefire;

(b) Investigate violations of the security aspects of this Agreement and take necessary measures to ensure compliance;

(c) Monitor disengagement and cantonment of forces of the Parties and provide security at disarmament/cantonment sites;

[...]

(g) Verify all information, data, and activities relating to the military forces of the Parties;

[...]

Page 8; PART THREE; ARTICLE VI: CANTONMENT, DISARMAMENT, DEMOBILIZATION REHABILITATION AND REINTEGRATION (CDDRR)

5. The JMC shall verify the reported data and information provided by the GOL, the LURD and the MODEL about their forces. All forces shall be restricted to the declared and recorded locations and all movements shall be authorized by the JMC and the ISF.

Page 10; PART FOUR: SECURITY SECTOR REFORM; ARTICLE VIII: RESTRUCTURING OF THE LIBERIAN NATIONAL POLICE (LNP) AND OTHER SECURITY SERVICES

4. The Parties call on the United Nations Civil Police components (UNCIVPOL) within the ISF to monitor the activities of the interim police force and assist in the maintenance of law and order throughout Liberia.

Page 11; PART FIVE: RELEASE OF PRISONERS AND ABDUCTEES; ARTICLE X: ASSISTANCE TO THE INTERNATIONAL COMMITTEE OF THE RED CROSS AND RELEVANT NATIONAL AND INTERNATIONAL AGENCIES

All Parties shall provide the International Committee of the Red Cross (ICRC) and other relevant national and international agencies with information regarding their prisoners of war, abductees or persons detained because of the war, to enable the ICRC and other relevant national and international agencies visit them and verify any details regarding their condition and status before their release.

Page 11; PART SIX: HUMAN RIGHTS ISSUES; ARTICLE XII: HUMAN RIGHTS

3. The INCHR shall work together with local Liberian human rights and civil society organizations, international human rights organisations and other relevant U.N. agencies to monitor and strengthen the observance of human rights in the country.

[...]

Page 21; PART NINE: POST-CONFLICT REHABILITATION AND RECONSTRUCTION; ARTICLE XXIX: INTERNATIONAL ASSISTANCE

2. The Parties also call on ECOWAS, in collaboration with the UN, AU, EU and ICGL, to set up a monitoring mechanism in the form of an Implementation Monitoring Committee (IMC) in Monrovia that will ensure effective and faithful implementation of the Peace Agreement by all the Parties.

3. The Parties agree on the need for regular joint meetings between this Implementation Monitoring Committee and representatives of the NTGL, in order to assess implementation of the provisions of this Agreement and agree on recommendations for enhanced implementation.

Page 30; Annex 1: Agreement on Ceasefire and Cessation of Hostilities Between the Government of the Republic of Liberia and Liberians United for Reconciliation and Democracy and the Movement for Democracy in Liberia

We the Parties to this Agreement
[...]
HEREBY AGREE AS FOLLOWS:
[...]

3. Joint Verification Team (JVT). To establish an ECOWAS-led JVT comprised of two representatives from each of the parties plus representatives of the UN, AU, and ICGL.

4. Locations. Each party shall identify the locations of its units including combat equipment, and communicate this information to the JVT in writing within 72 hours of the signature of this agreement. The JVT will visit the locations to verify the information provided and plot unit locations on a map. This document shall be signed by all the parties and will be the reference document on the limits of their locations.
[...]

6. Joint Monitoring Committee (JMC). To establish a JMC to supervise and monitor the ceasefire. The JMC will be chaired by a representative of ECOWAS and include equal representation from the Parties, as well as representatives of the UN, AU and ICGL. The JMC will report daily to ECOWAS Headquarters and will investigate reports of ceasefire violations by the Parties.
[...]

Page 2; [Untitled Preamble]

Re-calling the establishment in 2002, of an International Contact Group on Liberia to support the efforts of ECOWAS in bringing durable peace to Liberia;

Page 3-4; PART ONE; ARTICLE I: DEFINITIONS

"Interposition Force" means the ECOWAS Mission in Liberia which will be part of the ISF;

"ISF" means the International Stabilisation Force established under paragraph 7 of the Ceasefire Agreement;

"UNCIVPOL" means the United Nations Civil Police Component of the United Nations Stabilisation Force;

ia_pko Peacekeeping

Page 4-5; PART TWO: CESSATION OF HOSTILITIES; ARTICLE III: CEASEFIRE MONITORING

1. The Parties call on ECOWAS to immediately establish a Multinational Force that will be deployed as an Interposition Force in Liberia, to secure the ceasefire, create a zone of separation between the belligerent forces and thus provide a safe corridor for the delivery of humanitarian assistance and free movement of persons.

2. The mandate of the ECOWAS Interposition Force shall also include the following:

a. Facilitating and monitoring the disengagement of forces as provided under Article V of this Agreement;

- b. Obtaining data and information on activities relating to military forces of the parties to the Ceasefire Agreement and coordinating all military movements;
 - c. Establishing conditions for the initial stages of Disarmament, Demobilisation and Reintegration (DDR) activities;
 - d. Ensuring respect by the Parties for the definitive cessation of hostilities and all other aspects of the Ceasefire Agreement;
 - e. Ensuring the security of senior political and military leaders;
 - f. Also ensuring the security of all personnel and experts involved in the implementation of this Agreement in collaboration with all parties;
 - g. Monitoring the storage of arms, munitions and equipment, including supervising the collection, storage and custody of battlefield or offensive armament in the hands of combatants;
3. The Joint Monitoring Committee (JMC) established under the terms of the Ceasefire Agreement, and composed of representatives of ECOWAS, the UN, AU, ICGL and Parties to the Ceasefire Agreement shall continue to supervise and monitor the implementation of the Ceasefire Agreement;
4. Prior to the deployment of the International Stabilisation Force, a representative of ECOWAS shall chair the JMC.
5. The JMC shall:
- a. Resolve disputes concerning implementation of the Ceasefire Agreement, including the investigation of any alleged violation and also recommend remedial action for confirmed ceasefire violations.
 - b. Submit for approval, its recommendations to the Implementation Monitoring Committee (IMC) referred to under Article XXVIII(2) and (3) in this Agreement which is seized with the responsibility of monitoring the implementation of this Peace Agreement.
6. The Parties shall provide the JMC with any relevant information on the organisation, equipment and locations of their forces, and such information will be kept confidential.

**Page 6-7; PART TWO: CESSATION OF HOSTILITIES; ARTICLE IV:
INTERNATIONAL STABILIZATION FORCE**

1. The GOL, the LURD, the MODEL and the Political Parties agree on the need for the deployment of an International Stabilization Force (ISF) in Liberia. Accordingly, the Parties hereby request the United Nations in collaboration with ECOWAS, the AU and the ICGL to facilitate, constitute, and deploy a United Nations Chapter VII force in the Republic of Liberia to support the transitional government and to assist in the implementation of this Agreement.
2. The ECOWAS Interposition Force is expected to become a part of the International Stabilisation Force.
3. The Parties request the ISF to assume the following mandate:
- a. Observe and monitor the ceasefire;
 - b. Investigate violations of the security aspects of this Agreement and take necessary measures to ensure compliance.
 - c. Monitor disengagement and cantonment of forces of the Parties and provide security at disarmament/cantonment sites;
 - d. Collect weapons at disarmament sites and elsewhere and ensure that the weapons so collected are properly accounted for and adequately secured;
 - e. Assist in the coordination and delivery of humanitarian assistance to displaced persons, refugees, returnees and other war-affected persons;

f. Facilitate the provision and maintenance of humanitarian assistance and protect displaced persons, refugees, returnees and other affected persons;

g. Verify all information, data and activities relating to the military forces of the Parties;

h. Along with ECOWAS and the International Contact Group on Liberia, provide advice and support to the Transitional Government provided for in this Agreement on the formation of a new and restructured Liberian Army;

i. Assist with security for elections;

j. Take the necessary means whenever the need arises and as it deems within its capabilities, to protect civilians, senior political and military leaders under imminent threat of physical violence;

k. Coordinate with ECOWAS in the implementation of this Agreement;

3. The Parties expect that units of the ISF shall be selected from countries acceptable to all the Parties to the Ceasefire Agreement.

4. The Parties to this Agreement call on the ISF to remain in place until otherwise determined by the UN Security Council and the elected Government of Liberia.

Page 7; PART TWO: CESSATION OF HOSTILITIES; ARTICLE V: DISENGAGEMENT

3. Immediate disengagement at the initiative of all military units shall be limited to the effective range of direct fire weapons. Further disengagement to pull all weapons out of range shall be conducted under the guidance of the ISF. The Parties to the Ceasefire Agreement undertake to remain in their disengagement positions until the conclusion of cantonment plans by the International Stabilisation Force and the NCDDRR established under Article VI(8) of the Agreement. They are also responsible for armed groups operating within their territories.

5. Wherever disengagement by movement is impossible or impractical, alternative solutions requiring that weapons are rendered safe shall be designed by the ISF.

Page 8; PART THREE; ARTICLE VI: CANTONMENT, DISARMAMENT, DEMOBILIZATION REHABILITATION AND REINTEGRATION (CDDRR)

2. The ISF shall conduct the disarmament of all combatants of the Parties including paramilitary groups.

3. Following disengagement, all forces shall withdraw from combat positions to cantonment locations in accordance with the withdrawal and cantonment plan to be published by the International Stabilisation Force and the NCDDRR, no later than thirty (30) days after installation of the NTGL. The current Armed Forces of Liberia shall be confined to the barracks, their arms placed in armouries and their ammunition in storage bunkers.

4. All arms and ammunition shall be placed under constant surveillance by the ISF.

5. The JMC shall verify the reported data and information provided by the GOL, the LURD and the MODEL about their forces. All forces shall be restricted to the declared and recorded locations and all movements shall be authorized by the JMC and the ISF.

7. The ISF is requested to deploy to all disarmament and demobilization locations in order to facilitate and monitor the program of disarmament.

10. It shall oversee and coordinate the disarmament, demobilization, rehabilitation and reintegration of combatants, working closely with the ISF and all relevant international and Liberian institutions and agencies.

Page 10; PART FOUR: SECURITY SECTOR REFORM; ARTICLE VIII: RESTRUCTURING OF THE LIBERIAN NATIONAL POLICE (LNP) AND OTHER SECURITY SERVICES:

4. The Parties call on the United Nations Civil Police components (UNCIVPOL) within the ISF to monitor the activities of the interim police force and assist in the maintenance of law and order throughout Liberia.

5. The Parties also call on UNCIVPOL and other relevant International Agencies to assist in the development and implementation of training programs for the LNP.

7. All large calibre weapons shall be turned over to the ISF.

Page 16; PART EIGHT: POLITICAL ISSUES; ARTICLE IX: ORGANISATION OF ELECTIONS

4a. The Parties agree that the Transitional Government provided for in this Agreement shall request the United Nations, the African Union, ECOWAS and other members of the International Community as appropriate, to jointly conduct, monitor, and supervise the next elections in the country.

b. Voters education and registration programs shall be organized by the newly reconstituted NEC, in collaboration with other national and International organisations under the supervision of the United Nations.

Page 17; PART EIGHT: POLITICAL ISSUES; ARTICLE XXII: MANDATE OF THE NATIONAL TRANSITIONAL GOVERNMENT OF LIBERIA

2. In addition to normal State functions, its mandate shall include the following:
[...]

d. Contribution to the preparation and conduct of internationally supervised elections in October 2005, for the inauguration of an elected Government for Liberia in January 2006.

Page 30; Annex 1: Agreement on Ceasefire and Cessation of Hostilities Between the Government of the Republic of Liberia and Liberians United for Reconciliation and Democracy and the Movement for Democracy in Liberia

We the Parties to this Agreement

[...]

HEREBY AGREE AS FOLLOWS:

[...]

7. International Stabilization Force (ISF). The Parties agree on the need for the creation and deployment of an international stabilization force and commit themselves to cooperation with it. They shall accord complete freedom of movement to the ISF at all times in the execution of their duties.

8. Political Reconciliation. The signing of this agreement shall be followed immediately by the engagement of the GOL, LURD and MODEL with all other Liberian political parties and stakeholders in dialogue, to seek, within a period of thirty (30) days, a comprehensive peace agreement. The peace agreement shall amongst other issues, cover the following:-

a. Deployment of an international stabilization force;

Page 2; [Untitled Preamble]

Desirous of seeking international assistance and support in restoring peace and stability to Liberia;

ia_adv

International
Assistance &
Advice

Page 4; PART TWO: CESSATION OF HOSTILITIES; ARTICLE III: CEASEFIRE MONITORING

1. The Parties call on ECOWAS to immediately establish a Multinational Force that will be deployed as an Interposition Force in Liberia, to secure the ceasefire, create a zone of separation between the belligerent forces and thus provide a safe corridor for the delivery of humanitarian assistance and free movement of persons.

Page 8; PART THREE; ARTICLE VI: CANTONMENT, DISARMAMENT, DEMOBILIZATION REHABILITATION AND REINTEGRATION (CDDRR)

11. Upon the signing of the present Agreement, the Transitional Government provided for in this Agreement, shall request the International Community to assist in the implementation of the Cantonment, Disarmament, Demobilization, Rehabilitation and Reintegration program through the provision of adequate financial and technical resources.

Page 9; PART FOUR: SECURITY SECTOR REFORM; ARTICLE VII: DISBANDMENT OF IRREGULAR FORCES, REFORMING AND RESTRUCTURING OF THE LIBERIAN ARMED FORCES

1. The Parties agree that:

[...]

b. The Armed Forces of Liberia shall be restructured and will have a new command structure. The forces may be drawn from the ranks of the present GOL forces, the LURD and the MODEL, as well as from civilians with appropriate background and experience. The Parties request that ECOWAS, the UN, AU, and the ICGL provide advisory staff, equipment, logistics and experienced trainers for the security reform effort. The Parties also request that the United States of America play a lead role in organising this restructuring program.

Page 10; PART FOUR: SECURITY SECTOR REFORM; ARTICLE VIII: RESTRUCTURING OF THE LIBERIAN NATIONAL POLICE (LNP) AND OTHER SECURITY SERVICES

5. The Parties also call on UNCIVPOL and other relevant International Agencies to assist in the development and implementation of training programs for the LNP.

Page 11; PART FIVE: RELEASE OF PRISONERS AND ABDUCTEES; ARTICLE XI

The Parties call on the ICRC and such other relevant national and international agencies to give all the necessary assistance to the released persons, including re-location to any part of Liberia.

Page 11-12; PART SIX: HUMAN RIGHTS ISSUES; ARTICLE XII: HUMAN RIGHTS

3. The INCHR shall work together with local Liberian human rights and civil society organizations, international human rights organisations and other relevant U.N. agencies to monitor and strengthen the observance of human rights in the country.

4. Technical, financial and material assistance may be sought by the INCHR from the U.N. Office of the High Commissioner for Human Rights (UNHCR), the African Commission on Human and People's Rights and other relevant international organizations

Page 12; PART SIX HUMAN RIGHTS ISSUES; ARTICLE XIII: TRUTH AND RECONCILIATION COMMISSION

4. Membership of the Commission shall be drawn from a cross-section of Libarian society. The Parties request that the International Community provide the necessary financial and technical support for the operations of the Commission.

**Page 12; PART SEVEN: HUMANITARIAN ISSUES; ARTICLE XIV:
HUMANITARIAN RELIEF**

1a. The Parties re-affirm the commitment made in the Ceasefire Agreement, to provide security guarantees for safe and unhindered access by all humanitarian agencies to vulnerable groups throughout the country, in order to facilitate the delivery of humanitarian assistance in accordance with international conventions, principles and norms governing humanitarian operations.

3. The said Transitional Government shall request the International Community to assist in providing humanitarian assistance for those in need, including internally displaced persons, refugees and returnees.

**Page 14; PART EIGHT: POLITICAL ISSUES; ARTICLE XVI:
ESTABLISHMENT OF A GOVERNANCE REFORM COMMISSION**

5. The NTGL calls on the UNDP, relevant international organisations and the ICGL to provide financial, logistics and technical support for the Commission.

**Page 15; PART EIGHT: POLITICAL ISSUES; ARTICLE XVII: CONTRACT
AND MONOPOLIES COMMISSION (CMC)**

2. Its mandate shall include:

[..]

e. Collaborate with the international institutions to provide finance to Liberia in carrying out its functions

3. [...]

c. The members of the CMC shall be assisted by independent national and international experts.

**Page 16; PART EIGHT: POLITICAL ISSUES; ARTICLE IX:
ORGANISATION OF ELECTIONS**

4a. The Parties agree that the Transitional Government provided for in this Agreement shall request the United Nations, the African Union, ECOWAS and other members of the International Community as appropriate, to jointly conduct, monitor, and supervise the next elections in the country.

b. Voters education and registration programs shall be organized by the newly reconstituted NEC, in collaboration with other national and International organisations under the supervision of the United Nations.

**Page 20; PART EIGHT: POLITICAL ISSUES; ARTICLE XXVI: THE
CABINET**

7. The Parties call on the United Nations, the ECOWAS, the AU, the International Monetary Fund, the World Bank, African Development Bank and other international institutions in a position to do so, to assign trained personnel and international experts for the purpose of providing technical support and assistance to the NTGL, especially for the functioning of its ministries and parastatals.

**Page 21; PART NINE: POST-CONFLICT REHABILITATION AND
RECONSTRUCTION; ARTICLE XXIX: INTERNATIONAL ASSISTANCE**

1. In view of the recent appointment of the UN Secretary-General's Special Representative in Liberia, the Parties call for the urgent establishment of a consolidated United Nations Mission in Liberia that will have the resources to facilitate the implementation and coordination of the Political, Social, Economic and Security assistance to be extended under this Agreement.

2. The Parties also call on ECOWAS, in collaboration with the UN, AU, EU and ICGL, to set up a monitoring mechanism in the form of an Implementation Monitoring Committee (IMC) in Monrovia that will ensure effective and faithful implementation of the Peace Agreement by all the Parties.

[...]

4. The Parties also agree on the need for ECOWAS, in collaboration with the UN, AU and International Community, to organise periodic donor conferences for resource mobilisation for post-conflict rehabilitation and reconstruction in Liberia.

Page 21; PART NINE: POST-CONFLICT REHABILITATION AND RECONSTRUCTION; ARTICLE XXX: REFUGEES AND DISPLACED PERSONS

1a. The NTGL, with the assistance of the International Community, shall design and implement a plan for the voluntary return and reintegration of Liberian refugees and internally displaced persons, including non-combatants, in accordance with international conventions, norms and practices.

Page 22; PART NINE: POST-CONFLICT REHABILITATION AND RECONSTRUCTION; ARTICLE XXXI: VULNERABLE GROUPS

1. [...]

b. With the support of the International Community, the NTGL shall design and implement a program for the rehabilitation of such war victims.

2a. The NTGL shall, in addition, accord special attention to the issue of child combatants.

b. It shall, accordingly, mobilize resources with the assistance of the International Community, especially in cooperation with the Office of the U.N. Special Representative for Children in Armed Conflict, UNICEF, the African Committee of Experts on the Rights and Welfare of the Child and other relevant agencies, to address their special demobilization and re-integration needs.

Page 23; PART TEN: IMPLEMENTATION OF THE PEACE AGREEMENT; ARTICLE XXXIII: ROLE OF THE INTERNATIONAL COMMUNITY

The Parties call on ECOWAS, the UN, the African Union and the International Contact Group on Liberia (ICGL), to use their good offices and best efforts to ensure that the spirit and content of this Peace Agreement are implemented in good faith and with integrity by the Parties.

Page 24; PART ELEVEN; ARTICLE XXXVI: SETTLEMENT OF DISPUTES

Any dispute within the NTGL, arising out of the application or interpretation of the provisions of this Agreement shall be settled through a process of mediation to be organised by ECOWAS in collaboration with the UN, the AU and the ICGL.

**GENERAL PEACE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SENEGAL
AND LE MOUVEMENT DES FORCES DÉMOCRATIQUES DE LA CASAMANCE (MFDC)
(ZIGUINCHOR AGREEMENT)**

ps_pol	Political Power-sharing	
ps_eco	Economic Power-sharing	
ps_mil	Military Power-sharing	
tj_amn	Amnesty	<p align="center">Page 1; Article first: OBJECT OF THE PRESENT AGREEMENT</p> <p>1. The law of amnesty being already coming into effect, the State begins to ensure, in Casamance like everywhere on the whole of the territory, general safety, freedom of movement of the people and the goods, to guarantee, in conformity with the Constitution, the exercise of fundamental freedoms, in particular those of thought and expression in order to promote the political dialogue in the natural area of Casamance.</p>
tj_pri	Prisoner Release	
tj_hum	Human Rights	<p align="center">Page 1; Article first: OBJECT OF THE PRESENT AGREEMENT</p> <p>1. The law of amnesty being already coming into effect, the State begins to ensure, in Casamance like everywhere on the whole of the territory, general safety, freedom of movement of the people and the goods, to guarantee, in conformity with the Constitution, the exercise of fundamental freedoms, in particular those of thought and expression in order to promote the political dialogue in the natural area of Casamance.</p>
tj_min	Indigenous & Minority Rights	
tj_wom	Women's Rights & Gender Issues	

		Page 1; Article first: OBJECT OF THE PRESENT AGREEMENT
tj_civ	Civil & Political Rights	1. The law of amnesty being already coming into effect, the State begins to ensure, in Casamance like everywhere on the whole of the territory, general safety, freedom of movement of the people and the goods, to guarantee, in conformity with the Constitution, the exercise of fundamental freedoms, in particular those of thought and expression in order to promote the political dialogue in the natural area of Casamance.
tj_esc	Economic, Social & Cultural Rights	
tj_vic	Victims & Reparations	
tj_ref	Refugees & Internally Displaced Persons	Page 2; Article 4: REVIVAL OF ECONOMIC AND SOCIAL ACTIVITIES 2. The State begins to take any measurement allowing to facilitate the return in their hearth of the refugees and displaced persons and to bring the support necessary to their social rehabilitation.
tj_tru	Truth & Reconciliation Commission	
tj_rec	Reconciliation	Page 2; Article 3: REINTEGRATION OF THE WAR VETERANS 3. The Parts engage the Collective of the executives casamançais, the usual and religious notabilities of Casamance to develop a dynamics of forgiveness and reconciliation allowing the return and the rehabilitation of the ex-combatants of the MFDC in their villages of origin.
tj_pro	Protection Measures	
tr_con	Constitutional Reform	
tr_leg	Legislative Branch Reform	

tr_exe	Executive Branch Reform
tr_jud	Judiciary Reform
tr_adm	Public Administration Reform
tr_mil	Military Reform
tr_pol	Police Reform
tr_edu	Education Reform
tr_med	Media Reform
tr_ddd	<p>Page 1; Article first: OBJECT OF THE PRESENT AGREEMENT</p> <p>2. The MFDC solemnly decides to give up definitively the armed struggle and of violence to carry out the political combat which it estimates to have to lead.</p> <p>Page 1-2; Article 2: GUARANTEE AND CONSOLIDATION OF THE AGREEMENT</p> <p>2. The Parts begin to set up a group of observation made up representatives of the Government, soldiers, ex-combatants of the MFDC and representatives of the political wing of the MFDC charged to implement the process of demobilization with the military wing of the MFDC and storage of its weapons under control of the ICRC, the RADDHO and the AJAC.</p> <p>3. MFDC is committed to confine, disarm and be demobilizing its military component according to the procedures defined by the National agency for the Revival of the Economic activities and social in Casamance (ANRAC).</p>

Page 2; Article 3: REINTEGRATION OF THE WAR VETERANS

1. The State of Senegal accepts, in exceptional circumstances, to integrate in the paramilitary bodies according to the principle of voluntariate the ex-combatants of the MFDC according to the conditions in force.

2. The Parts accept the principle of organizing, with the assistance of the ANRAC, the framing necessary in order to help the ex-combatants of the MFDC which wishes it to go up and make finance generating projects of incomes, in the sectors which interest them.

3. The Parts engage the Collective of the executives casamançais, the usual and religious notabilities of Casamance to develop a dynamics of forgiveness and reconciliation allowing the return and the rehabilitation of the ex-combatants of the MFDC in their villages of origin.

tr_tim

Transitional
Timeline

tr_epr

Electoral & Political
Party Reform

Page 1; Preamble

[...]

Convinced of the need for founding a climate of trust between interlocutors responsible and determined to go from before after two decades of mistrust;

Reaffirming the accuracy of the frustrations felt by part of the populations of Casamance, but also the need for bringing there corrective measures by the implementation of a development program specific to this natural area;

Page 2; Article 2: GUARANTEE AND CONSOLIDATION OF THE AGREEMENT

4. The Parts will provide to the ANRAC any information likely to facilitate the programme of depollution of the area. Within this framework, the general methods of participation of each Part in this specific shutter of the rebuilding appears in the Draft-agreement on the technical sides of the peace process.

tr_dev

Socio-Economic
Development

Page 2; Article 3: REINTEGRATION OF THE WAR VETERANS

2. The Parts accept the principle of organizing, with the assistance of the ANRAC, the framing necessary in order to help the ex-combatants of the MFDC which wishes it to go up and make finance generating projects of incomes, in the sectors which interest them.

Page 2; Article 4: REVIVAL OF THE ECONOMIC ACTIVITIES AND SOCIAL

1. The State urges the ANRAC to mobilize Ong and the Specialized companies in depollution, in partnership with the Army and the ex-combatants of the MFDC, to begin without delay the humane mine clearance from Casamance in order to facilitate the resumption of the economic activities.

2. The State begins to take any measurement allowing to facilitate the return in their hearth of the refugees and displaced persons and to bring the support necessary to their social rehabilitation.

		3. The State begins as envisaged to ensure the rebuilding of Casamance in the Draft-agreement on the technical sides of the peace process.
tr_cul	Cultural Heritage/ Protections	
tr_fin	Financial Arrangements	
tj_dsm	Dispute Settlement Mechanisms	<p>Page 1; Article 2: GUARANTEE AND CONSOLIDATION OF THE AGREEMENT</p> <p>1. In order to take care on the peace process and to regulate in a peaceful way the possible litigations being able to occur, it is created a Board of trustees of Peace agreement (C.S.A.P.) composed representatives of the State, MFDC, civil society and of any organization resource. Only the interpretation of the provisions of the Peace agreement and the additional protocols other than penal offences and litigations obviously civil, fall within the competence of the Council. He car-seizes initiative to prevent the difficulties and can be seized by any person or structure implied in the peace process and the rebuilding of Casamance.</p>
ia_ver	Verification & Monitoring Mechanism	
ia_pko	Peacekeeping	
ia_adv	International Assistance & Advice	

COMPREHENSIVE PEACE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE SUDAN AND THE SUDAN PEOPLE'S LIBERATION ARMY/SUDAN PEOPLE'S LIBERATION MOVEMENT

Page 2; CHAPTER II: POWER SHARING; PART A: AGREED PRINCIPLES

1.2. That the people of South Sudan have the right to control and govern affairs in their region and participate equitably in the National Government.

1.3. That the people of South Sudan have the right to self-determination, inter alia, through a referendum to determine their future status.

Page 6; CHAPTER II: POWER SHARING; PART C: STRUCTURES OF GOVERNMENT; 3.2. National Government

3.2.1. There shall be a National Government which shall exercise such functions and pass such laws as must necessarily be exercised by a sovereign state at national level. The National Government in all its laws shall take into account the religious and cultural diversity of the Sudanese people.

3.2.2. Nationally enacted legislation having effect only in respect of the states outside Southern Sudan shall have as its source of legislation Sharia and the consensus of the people.

3.2.3. National enacted legislation applicable to the Southern States and/or the Southern Region shall have as its source of legislation popular consensus, the values and the customs of the people of Sudan (including their traditions and religious beliefs, having regard to Sudan's diversity).

Page 11; CHAPTER II: POWER SHARING; Preamble

ps_pol

Political Power-sharing

[...]

DETERMINED to crown the valuable achievement of this Peace Process by arriving at an equitable and fair formula for sharing power in the Sudan;

[...]

CONVINCED that decentralization and empowerment of all levels of government are cardinal principles of effective and fair administration of the country;

[...]

Page 12; CHAPTER II: POWER SHARING; PART I: 1. General Principles

1.3 In accordance with the Machakos Protocol, the structures of governments in the Sudan shall be as follows during the Interim Period:

[...]

1.3.2 The Southern Sudan level of Government which shall exercise authority in respect of the people and States in the South;

1.3.3 The States throughout Sudan which shall exercise authority at the state level and render public services through the level of government close to the people; and

1.3.4 The level of local government throughout the Sudan.

1.4 The Parties agree that the following principles shall guide the distribution of powers and the establishment of structures:

1.4.1. Recognition of both the sovereignty of the nation as vested in its people as well as the need for autonomy of the Government of Southern Sudan and States throughout the Sudan;

1.4.2. Affirmation of the need for both national as well as state and Southern Sudan norms and standards so as to reflect the unity of the country and the diversity of the Sudanese people;

[...]

1.4.4 Recognition of the need for the involvement and participation of the people of South Sudan at all levels of government and National institutions as an expression of the national unity of the country;
[...]

Page 13; CHAPTER II: POWER SHARING; PART I: 1. General Principles

1.5.1 In the administration of the Government of National Unity, the following provisions shall be respected:

1.5.1.1 There shall be a decentralized system of government with significant devolution of powers, having regard to the National, Southern Sudan, State, and Local levels of government;

1.5.1.2 The Interim National Constitution, being the legal and constitutional framework text adopted as contemplated in paragraph 2.12.6 herein, shall be the Supreme Law of the land and the Southern Sudan Constitution, state constitutions, and the laws of all levels of government must comply with it;

1.5.1.3 The linkage between the National Government and the states in the Southern Sudan shall be through the Government of Southern Sudan, subject to paragraph 1.5.1.4 below, and as provided for in the Interim National Constitution and the Southern Sudan Constitution;

1.5.1.4 In their relationships with each other or with other government organs, all levels of government and particularly National, Southern Sudan, and State Governments shall:

- (a) Respect each others' autonomy;
- (b) Collaborate rather than compete, in the task of governing and assist each other in fulfilling each others' constitutional obligations;
- (c) Perform their functions and exercise their powers so as:
 - i) Not to encroach on another level's powers or functions;
 - ii) Not to assume another level's powers or functions conferred upon it by the Constitution;
 - iii) To promote co-operation between them;
 - iv) To promote open communication between government and levels of government;
 - v) To strive to render assistance and support to other levels of government;
 - vi) To advance the good co-ordination of governmental functions;
 - vii) To adhere to procedures of inter-governmental interaction as agreed upon;
 - viii) To promote amicable settlement of disputes before attempting litigation;
 - ix) To respect the status and institutions of other levels of government.

Page 18; CHAPTER II: POWER SHARING; PART I: 1. General Principles

1.8 Population Census, Elections and Representation:
[...]

1.8.8 Representation of the north and the south at the National level shall be based on population ratio;

1.8.9 The percentages agreed herein are temporary and shall either be confirmed or adjusted on the basis of the census results.

Page 19-21; CHAPTER II: POWER SHARING; PART II: 2. Institutions at the National Level

2.1 During the Interim Period, the Institutions at the National level shall consist of:

- 2.1.1 The Legislature;
- 2.1.2 The Executive;
- 2.1.3 The Judiciary; and

2.1.4 The Institutions and Commissions specified in this Agreement and the Interim National Constitution.

2.2. The National Legislature:

2.2.1. There shall be a bicameral National Legislature comprised of-

- 2.2.1.1. A National Assembly; and
- 2.2.1.2. A Council of States.

2.2.2. In the establishment of the National Legislature, the following principles shall apply:

2.2.2.1. There shall be equitable representation of the people of South Sudan in both legislative chambers; and

2.2.2.2. Relevant considerations shall be taken into account in determining what constitutes equitable representation.

2.2.3 The National Legislature shall be structured and operate as follows:-

[...]

2.2.3.2 There shall be a Council of States comprised of two representatives from each state;

[...]

2.2.4 Pending the elections referred to above, the National Assembly shall consist of such members representing the Parties to the Agreement, and other forces in the North and South so as to promote inclusiveness and stability, in such proportions to be determined by the parties prior to the conclusion of the Peace Agreement.

2.2.5. Prior to the Parliamentary elections, the seats of the National Assembly shall be allocated as follows:

(a) National Congress Party (NCP) shall be represented by Fifty Two Per Cent (52%);

(b) Sudan People's Liberation Movement (SPLM) shall be represented by Twenty Eight Per Cent (28%);

(c) Other Northern political forces shall be represented by Fourteen Per Cent (14%);

(d) Other Southern political forces shall be represented by Six Percent (6%);

2.2.10. The concurrent legislative powers of the National Legislature shall be those matters as set forth in Schedule D, read together with Schedule F, annexed hereto.

2.2.11. The residual legislative powers shall be exercised in accordance with Schedule E annexed hereto.

2.2.12. Both chambers of the National Legislature shall elect their respective Speakers, Deputy Speakers and other officers at their first sitting. The two Parties shall be adequately represented in these offices.

[...]

Page 21-22; CHAPTER II: POWER SHARING; PART II: 2. Institutions at the National Level; 2.3. National Executive

[...]

2.3.4 There shall be a partnership and collegial decision-making process within the Institution of the Presidency in order to safeguard the Peace Agreement.

2.3.5 Until such time as elections are held, the current incumbent President (or his successor) shall be the President and Commander-in-Chief of the Sudan Armed Forces (SAF). The current SPLM Chairman (or his successor) shall be the First Vice President and shall at the same time hold the posts of President of the Government of Southern Sudan (GOSS) and Commander-in-Chief of the Sudan People's Liberation Army (SPLA).

[...]

2.3.6. In respect of the following matters, the President shall take decisions with the consent of the First Vice President, namely:

2.3.6.1. Declaration and termination of a state of emergency;

2.3.6.2. Declaration of war;

2.3.6.3. Appointments that the President is required to make according to the Peace Agreement, {to be specified}; and

2.3.6.4. Summoning, adjourning, or proroguing the National Legislature.

2.3.7. The President shall be elected in national elections, the timing of which shall be subject to the agreement of the two parties. The President elect shall appoint two Vice Presidents, one from the South and the other from the North. If the President-elect is from the North, the position of the First Vice President shall be filled by the person who has been elected to the post of President of the Government of Southern Sudan, as the President's appointee to the said position. In the event that a person from the South wins the Presidential

elections, the President-elect shall appoint the First Vice President from the North. All the other provisions in this agreement relating to the presidency shall continue to apply.

2.3.8. Should the post of the President fall vacant, the functions of the President shall be assumed by a Presidential Council comprising of the Speaker of the National Assembly, the First Vice President and the Vice President.

2.3.8.1. The Speaker of the National Assembly shall be Chairperson of the Council in the period prior to elections, after elections the First Vice President shall be the chairperson of the Council;

2.3.8.2. The Presidential Council shall take its decision by consensus;

2.3.8.3. The Vice President shall be Commander-in-Chief of the Sudan Armed Forces (SAF).

2.3.11. Should the post of the First Vice President fall vacant:

2.3.11.1. Prior to elections, the office of the First Vice President shall be filled by the nominee of the SPLM within two weeks;

2.3.11.2. After the elections, the President shall appoint a First Vice President in accordance with the Interim National Constitution and the provisions of this Peace Agreement.

2.3.12. The President shall, within 30 days of the entry into force of the Peace Agreement, and in consultation with the First Vice President, establish a Council of Ministers, having due regard to the need for inclusiveness and diversity in the establishment of a Government of National Unity. The Cabinet Ministers shall be accountable to the President and the National Assembly in the performance of their functions and may be removed by a resolution supported by two-thirds of all the members of the National Assembly.

2.3.13. The President, the First Vice President and the Vice President shall be members of the Council of Ministers.

[...]

Page 24; CHAPTER II: POWER SHARING; PART II: 2. Institutions at the National Level; 2.5. The Government of National Unity

[...]

2.5.2 The Presidency and Council of Ministers shall exercise the Executive powers and competencies in respect of the matters in Schedules A and D, read together with Schedules E and F, and as conferred upon it by this Agreement and the Interim National Constitution.

2.5.3 Cabinet posts and portfolios in all clusters, including the National Sovereignty Ministries, shall be shared equitably and qualitatively by the two Parties. The Parties agree to cluster the National ministries under the implementation modalities.

2.5.4 Representation of the SPLM and other political forces from the South in each of the clusters shall be determined by the Parties Signatory to Agreement prior to the conclusion of the Peace Agreement.

2.5.5 Prior to elections, the seats of the National Executive shall be allocated as follows:

(a) The National Congress Party shall be represented by Fifty Two Percent (52%);

(b) Sudan People's Liberation Movement (SPLM) shall be represented by Twenty Eight Per Cent (28%);

(c) Other Northern political forces shall be represented by Fourteen Per Cent (14%);

(d) Other Southern political forces shall be represented by Six Percent (6%);

[...]

Page 29-30; CHAPTER II: POWER SHARING; PART II: 2. Institutions at the National Level; 2.11. The National Judiciary; 2.11.4. The National Supreme Court

[...]

2.11.4.5. The National Judicial Service Commission shall be chaired by the Chief Justice. Amongst others, representatives of academia, judges, members of the legal profession, members of the National Legislature, and the Minister of Justice shall sit on this Commission. The National Judicial Service Commission shall be as determined in the Interim National Constitution referred to in paragraph 2.12 herein and shall reflect the need for appropriate representation, inclusiveness, and diversity.

2.11.4.6. [...]

(iii) Southern Sudan shall be adequately represented in the Constitutional Court, the National Supreme Court and other national courts that are situated in the National Capital, by qualified lawyers having regard to competence and credibility;

Page 32-34; CHAPTER II: POWER SHARING; PART III: 3. Government of Southern Sudan; 3.6. The Southern Sudan Executive

3.1 In respect of the Southern Sudan, there shall be a Government of Southern Sudan (GOSS), as per the borders of 1/1/56, which shall consist of:

3.1.1 The Legislature of Southern Sudan;

3.1.2 The Executive of Southern Sudan;

3.1.3 The Judiciary of Southern Sudan;

3.2. The Government of Southern Sudan shall function in accordance with a Southern Sudan Constitution, which shall be drafted by an inclusive Southern Sudan Constitutional Drafting Committee and adopted by the Transitional Assembly of Southern Sudan by a two-thirds majority of all members. It shall conform with the Interim National Constitution.

3.3. The powers of the Government of Southern Sudan shall be as set forth in Schedules B and D, read together with Schedules E and F, the Interim National Constitution, Southern Sudan Constitution, and the Peace Agreement.

3.4. A primary responsibility of the Government of Southern Sudan will be to act as an authority in respect of the States of Southern Sudan, to act as a link with the National Government and to ensure that the rights and interests of the people of Southern Sudan are safeguarded during the Interim Period.

3.5 Legislature of Southern Sudan

3.5.1 Pending the elections, the First Southern Sudan Assembly shall be an inclusive, constituent legislature comprised of:

3.5.1.1 The SPLM shall be represented by Seventy Percent (70%);

3.5.1.2 The NCP shall be represented by Fifteen Percent (15%);

3.5.1.3 The other Southern political forces shall be represented by Fifteen Percent (15%).

[...]

3.5.6 Apart from applicable national legislation, legislative authority in Southern Sudan shall be vested in the Assembly of Southern Sudan. It shall establish its own offices, committees and rules of procedure. It shall elect a Speaker and Deputy Speaker and other officers at its first meeting.

3.6 The Southern Sudan Executive

3.6.2 The Executive Authority of Southern Sudan shall establish such independent institutions as the Peace Agreement, the Interim National Constitution and the Southern Sudan Constitution contemplate. It shall be empowered to establish such further commissions and institutions compatible with its powers as it deems necessary to promote the welfare of its people, good governance and justice.

3.6.3 The Government of Southern Sudan shall be established with due regard to the need for inclusiveness.

3.6.4 Prior to elections, the Government of Southern Sudan shall be allocated as follows:

3.6.4.1 The SPLM shall be represented by Seventy Percent (70%);

3.6.4.2 The NCP shall be represented by Fifteen Percent (15%);

3.6.4.3 The other Southern political forces shall be represented by Fifteen Percent (15%).

3.6.5 The Government of Southern Sudan shall discharge its obligations and exercise such rights and powers in regard to administration, security, financial, and development issues as is set forth in the Southern Sudan Constitution, the Interim National Constitution, the Peace Agreement and any other agreement relating to the reconstruction and development of the Southern Sudan.

3.6.6 (a) Should the post of the President of GOSS fall vacant, and pending the nomination and swearing in of the new President, the functions of the President shall be assumed by the Vice President of GOSS;

(b) Should the post of the President of GOSS fall vacant in the period prior to elections, the Office of the President of GOSS shall be filled by a nominee of the SPLM within two (2) weeks;

[...]

Page 36-37; CHAPTER II: POWER SHARING; PART IV: 4. Institutions at the National Level

4.1 The Institutions at the State level shall consist of:

4.1.1 The State Legislature;

4.1.2 The State Executive; and

4.1.3 The State Judiciary.

4.2. There shall be legislative, executive, and judicial institutions at state level which shall function in accordance with this Agreement, the Interim National Constitution and, in respect of the states of Southern Sudan, also with the Constitution of Southern Sudan.

4.3 Local Government is an important level of Government and its election, organization and proper functioning shall be the responsibility of the states, in accordance with the relevant state constitution.

4.4.1 There shall be a State Legislature comprised of members elected in accordance with the electoral provisions herein and as set forth by the National Electoral Commission referred to in sub-paragraph 2.10.1.1 herein.

4.4.2 Pending the elections referred to in sub-article 4.4.1 herein, the composition of the state legislatures shall be comprised as follows:-

4.4.2.1. The NCP is to hold Seventy Percent (70%) in the Northern states, and the SPLM Seventy Percent (70%) in the Southern states;

4.4.2.2. The remaining Thirty Percent (30%) in the Northern and the Southern states shall be allocated as follows:-

(i) Ten Percent (10%) in the Southern states to be filled by the NCP;

(ii) Ten Percent (10%) in the Northern states to be filled by the SPLM; and

(iii) Twenty Percent (20%) in the Northern and Southern states to be filled by representatives of other Northern and Southern political forces respectively.

4.4.3. The elections referred to in sub-article 4.4.1. herein shall take place on the same date as the elections for the National Assembly referred to in Section 1.8.3.

4.4.4. The state legislatures shall prepare and adopt state constitutions provided that they are in conformity with the National Constitution, the Peace Agreement, and for Southern States, also in conformity with the Constitution of Southern Sudan.

4.4.5. The State Legislature shall have law-making competency in respect of the functional areas listed in Schedules C and D, read together with Schedules E and F.

4.4.6. Members of the State Legislature and the State Council of Ministers, including the Governor, shall have such immunities as are provided by law.

4.4.7. The State Legislature shall decide its own rules, procedures, and committees, and elect its Speaker and other officers.

Page 37-38; CHAPTER II: POWER SHARING; PART IV: 4. Institutions at the State Level; 4.5. The State Executive

4.5.1 Prior to elections the state executives shall be allocated as follows:-

4.5.1.1 The NCP is to hold Seventy Percent (70%) in the Northern states, and the SPLM Seventy Percent (70%) in the Southern states;

4.5.1.2 The remaining Thirty Percent (30%) in the Northern and the Southern states shall be allocated as follows:-

- (i) Ten Percent (10%) in the Southern states to be filled by the NCP;
- (ii) Ten Percent (10%) in the Northern states to be filled by the SPLM; and
- (iii) Twenty Percent (20%) in the Northern and Southern states to be filled by representatives of other Northern and Southern political forces, respectively.

4.5.2 As part of the Ten Percent (10%) share of the NCP in Southern states the two Parties agreed as follows:-

- (i) The Governor of one Southern State shall be a nominee of the NCP;
- (ii) One Deputy Governor in a different Southern State shall be a nominee of the NCP.

4.5.3 The States' Council of Ministers shall be appointed by the Governor in accordance with the State Constitution, having regard to the need for inclusiveness. The State Ministers shall be accountable to the Governor and the State Legislature in the performance of their functions and may be removed by the Governor on a motion supported by two-thirds (2/3) of all the members of the State Legislature.

4.5.4 The Governor shall, together with the States' Council of Ministers appointed by him/her, exercise the executive powers of the state which shall be in respect of the functional areas listed in Schedules C and D, read together with Schedules E and F, and such other executive competencies as are conferred upon the State by the Interim National Constitution, the Southern Sudan Constitutions, the State Constitutions, and the Peace Agreement.

4.5.5 State Governors must sign any law duly approved by the State Legislature, failing which, after thirty (30) days it shall be deemed to have been signed into law by the State Governor. Where the State Governor withholds his/her signature, he/she must present reasons for his/her refusal to so sign when re-introducing the bill to the State Legislature within the 30-day period stated within. The Bill shall become law if the State Legislature again passes the bill by two-thirds (2/3) majority of all the members and the assent of the Governor shall not be required.

**Page 39; CHAPTER II: POWER SHARING; PART V: SCHEDULES;
Schedule A: National Powers**

Exclusive competencies (Legislative and Executive Powers) of the National Government.

[...]

**Page 40; CHAPTER II: POWER SHARING; PART V: SCHEDULES;
Schedule B: Powers of The Government of Southern Sudan**

The exclusive legislative and executive powers of the Government of Southern Sudan shall be:

[...]

**Page 41-42; CHAPTER II: POWER SHARING; PART V: SCHEDULES;
Schedule C: Powers of States**

Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out hereunder:

1. The Constitution of the State, subject to compliance with the National Constitution, and, as relevant, the Constitution of Southern Sudan;

[...]

**Page 43; CHAPTER II: POWER SHARING; PART V: SCHEDULES;
Schedule D: Concurrent Powers**

The National Government, the Government of Southern Sudan and State Governments, shall have legislative and executive competencies on any of the matters listed below during the Interim Period:
[...]

**Page 44; CHAPTER II: POWER SHARING; PART V: SCHEDULES;
Schedule E: Residual Powers**

The residual powers shall be dealt with according to its nature (e.g., if the power pertains to a national matter, requires a national standard, or is a matter which cannot be regulated by a single state, it shall be exercised by the National Government. If the power pertains to a matter that is usually exercised by the state or local government, it shall be exercised by the state). Where a matter is susceptible to Southern Sudan regulation, in respect of the states of Southern Sudan, it shall be exercised by the Government of Southern Sudan.

**Page 44; CHAPTER II: POWER SHARING; PART V: SCHEDULES;
Schedule F: Resolution of Conflicts in Respect of Concurrent Powers**

If there is a contradiction between the provisions of Southern Sudan law and/or a State law and/or a National law, on the matters referred in Schedule D, the law of the level of government which shall prevail shall be that which most effectively deals with the subject matter of the law, having regard to:

1. The need to recognize the sovereignty of the Nation while accommodating the autonomy of Southern Sudan or of the States;
 2. Whether there is a need for National or Southern Sudan norms and standards;
 3. The principle of subsidiarity;
- [...]

**Page 65; CHAPTER IV: THE RESOLUTION OF THE ABYEI CONFLICT;
1.2. Interim Period**

Upon signing the peace agreement, Abyei will be accorded special administrative status, in which:

- 1.2.1 Residents of Abyei will be citizens of both Western Kordofan and Bahr el Ghazal, with representation in the legislatures of both states;
[...]
- 1.2.2 Abyei will be administered by a local Executive Council, elected by the residents of Abyei. Pending the election of the Executive Council, its initial members will be appointed by the Presidency;
[...]

**Page 65-66; CHAPTER IV: THE RESOLUTION OF THE ABYEI CONFLICT;
1.3. End of Interim Period**

Simultaneously with the referendum for southern Sudan, the residents of Abyei will cast a separate ballot. The proposition voted on in the separate ballot will present the residents of Abyei with the following choices, irrespective of the results of the southern referendum:

- a. That Abyei retain its special administrative status in the north;
- b. That Abyei be part of Bahr el Ghazal.

**Page 66; CHAPTER IV: THE RESOLUTION OF THE ABYEI CONFLICT; 2.
Administrative Structure**

2.1 Upon signing the Peace Agreement, Abyei Area shall be accorded special administrative status under the institution of the Presidency.

2.2 Abyei area shall be administered by a local Executive Council, elected by the residents of Abyei. Pending the election of the Executive Council, its initial members shall be appointed by the Presidency.

2.3 The administration of the Abyei Area shall be representative and inclusive of all the residents of the area.

2.4 The Executive Council shall be composed of the Chief Administrator, his/her Deputy and not more than five heads of departments. Prior to elections, the Chief Administrator and his/her Deputy shall be appointed by the Presidency. The Chief Administrator shall make recommendations to the Presidency regarding the appointments of the heads of departments.

2.5 The Executive Council, in exercise of its executive powers, shall:

2.5.1 render necessary services;

2.5.2 supervise and promote security and stability in the area;

2.5.3 Propose development and urbanization projects for the area to both the Abyei Area Council and to the Presidency;

2.5.4 Present to the National Government proposals regarding the provision of assistance to improve the lives of the peoples of Abyei, including urbanization and development;

2.6 The Presidency, upon the recommendation of the Executive Council, shall determine the executive, legislative and financial powers and competencies of the special status of Abyei Area, having regard to this protocol, other protocols, agreements, and the Comprehensive Peace Agreement.

Page 67; CHAPTER IV: THE RESOLUTION OF THE ABYEI CONFLICT; 4. Public Participation

4.1 There shall be established Abyei Area Council comprised of not more than twenty members.

4.2 Prior to elections, the Presidency shall appoint the members of the Abyei Area Council.

Page 68; CHAPTER IV: THE RESOLUTION OF THE ABYEI CONFLICT; 5. Determination of Geographic Boundaries

[...]

5.3 The Abyei Boundaries Commission (ABC) shall present its final report to the Presidency as soon as it is ready. Upon presentation of the final report, the Presidency shall take necessary action to put the special administrative status of Abyei Area into immediate effect.

Page 68; CHAPTER IV: THE RESOLUTION OF THE ABYEI CONFLICT; 6. Residents of the Area

[...]

6.2 Residents of Abyei shall be citizens of both Western Kordofan and Bahr el Ghazal with representation in the legislatures of both States as determined by the National Electoral Commission. However, prior to elections, the Presidency shall determine such representation.

Page 74; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES; 4. Structure of the State Government

4.1. The State shall have the following structure:

4.2 The State Executive, which shall comprise of:

4.2.1 The State Governor;

4.2.2 The State Council of Ministers; and

4.2.3 Local Governments.

4.3 The State Legislature (SL).

4.4 The State Judiciary.

Page 75; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES; 5. The State Executive

[...]

Page 76; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES; 6. The State Legislature

6.1. Members of the State Legislature (SL) shall be elected by the registered voters of the State in accordance with the State Law and in conformity with the general guidelines as set forth by electoral provisions as set forth by the National Electoral Commission.

6.2. The State Legislature shall prepare and adopt the State Constitution, provided that it shall conform to the Interim National Constitution.

6.3. The Governor of the State shall sign any law duly approved by the State Legislature, failing which, after thirty (30) days it shall be deemed to have been signed into law, unless the Governor has submitted the law to the Constitutional Court for a ruling on its constitutionality. If the Constitutional Court finds the law constitutional, the Governor shall immediately sign such law.

6.4. The State Legislature shall legislate for the state within its legislative powers as stipulated in schedule (A) attached herewith.

6.5. State laws currently applicable in the State shall continue until new legislation is duly enacted by the SL within its competence.

6.6. The State Legislature shall decide its own rules, procedures, and committees, and elect its Speaker and other officers.

6.7. The State Legislature may relieve the Governor of the State of his/her functions by a motion supported by two-thirds of its membership.

Page 79-80; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES; 11. Pre-Election Arrangements

11.1. As part of pre-election arrangements, the Parties agree on the following:
11.1.1. The Executive and Legislature in the two states shall be allocated as follows:

- (a) Fifty-five Percent (55%) to the National Congress Party;
- (b) Forty-five Percent (45%) to the SPLM.

11.1.2. There shall be rotational governorship in the two states with each Party holding the Office of Governor for half of the pre-election period in each of the two states.

11.1.3. No one Party is to hold the Governorship in both states at the same time.

11.1.4. The office of Deputy Governor is to be allocated to the Party that is not presently occupying the Office of Governor.

11.1.5. The Parties are to decide upon the signature of the comprehensive Peace Agreement the time and order in which each party assumes the Governorship in each state.

11.2 Pending general elections, and as part of affirmative action, the Parties agree that Southern Kordofan/Nuba Mountains and Blue Nile States shall be adequately represented in National Institutions targeting a percentage not less than the ratio of their population size.

Page viii; CHAPEAU OF THE COMPREHENSIVE PEACE AGREEMENT

NOW THEREFORE, THE PARTIES AGREE, upon signing this Agreement, on the following:

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(8) To take such steps as are necessary to ensure that resources and funds are available for the establishment of the structures, bodies and institutions contemplated by the CPA especially the establishment of the Government of Southern Sudan;

Page 41; CHAPTER II: POWER SHARING; PART V: SCHEDULES; Schedule B: Powers of The Government of Southern Sudan

The exclusive legislative and executive powers of the Government of Southern Sudan shall be:

13. Southern Sudan Budget, subject to the agreement on Wealth Sharing;

16. Reconstruction and development of the Southern Sudan as a whole, subject to the provisions of the Wealth Sharing Agreement;

20. Such matters relating to taxation, royalties and economic planning as is specified in the Agreement on Wealth Sharing as a matter or matters in regard to which the Government of Southern Sudan is accorded exclusive authority;

**Page 43; CHAPTER II: POWER SHARING; PART V: SCHEDULES;
Schedule D: Concurrent Powers**

The National Government, the Government of Southern Sudan and State Governments, shall have legislative and executive competencies on any of the matters listed below during the Interim Period:

28. Notwithstanding Schedules A, B and C, such matters relating to taxation, royalties and economic planning as specified in the Agreement on Wealth Sharing;

30. Such matters relating to taxation, royalties and economic planning as is specified in the Agreement on Wealth Sharing as a matter or matters in regard to which the Government of Southern Sudan is accorded concurrent authority;

Page 47-48; CHAPTER III: WEALTH SHARING; 1. Guiding Principles In Respect of an Equitable Sharing of Common Wealth

1.1 The Parties agree that the guiding principles and provisions below shall be the basis for the comprehensive text on Wealth Sharing.

1.2 The wealth of Sudan shall be shared equitably so as to enable each level of government to discharge its legal and constitutional responsibilities and duties.

1.3 The National Government shall also fulfil its obligation to provide transfers to the Government of Southern Sudan.

1.4 The sharing and allocation of wealth emanating from the resources of the Sudan shall ensure that the quality of life, dignity and living conditions of all the citizens are promoted without discrimination on grounds of gender, race, religion, political affiliation, ethnicity, language, or region. The sharing and allocation of this wealth shall be based on the premise that all parts of Sudan are entitled to development.

1.5 The Parties agree that Southern Sudan faces serious needs to:

[...]

(iii) rehabilitate and reconstruct/construct the social and physical infrastructure in a postconflict Sudan.

1.6 The Parties agree that Nuba Mountains, Southern Blue Nile, Abyei and other war affected areas face serious needs to:

[...]

(iii) rehabilitate and reconstruct/construct the social and physical infrastructure in a post-conflict Sudan.

1.7 That, without prejudice to the provisions of paragraph 1.3 herein, Southern Sudan, and those areas in need of construction/reconstruction, shall be brought up to the same average level of socio-economic and public services standard as the Northern states. To achieve these objectives will take time and effort to build up local institutional, human, and economic capacity. For this purpose, two special funds shall be established as provided herein.

[...]

1.14 The National Government shall not withhold an allocation due to a state/region or the Government of Southern Sudan. Any level of Government

may initiate proceedings in the Constitutional Court should any other organ or level withhold monies due to it. The National Government shall make transfers to the Government of Southern Sudan based on the principles established.

1.15 In agreeing to these wealth sharing arrangements the Parties signal to the international community that it will have to play a strong and constructive role in providing post-conflict construction/reconstruction assistance to Sudan, especially to Southern Sudan and other war affected and least developed areas.

Page 48; CHAPTER III: WEALTH SHARING; 2. Ownership of Land and Natural Resources

2.2. The Parties agree that the regulation, management, and the process for the sharing of wealth from subterranean natural resources are addressed below.

Page 54-55; CHAPTER III: WEALTH SHARING; 5. Guiding Principles for Sharing Oil Revenue

5.1 The Parties agree that the basis for an agreed and definitive framework for the sharing of the wealth emanating from oil resources of Southern Sudan shall include the following:

5.1.1 The framework for sharing wealth from the extraction of natural resources should balance the needs for national development and reconstruction of Southern Sudan.

5.2 The Parties agree that a formula for sharing the revenue from oil resources shall be as set forth in this Agreement.

5.3 For the purposes of this Agreement 'Net revenue from oil' shall be the sum of the net revenue (i) from exports of government oil and (ii) from deliveries of government oil to the refineries. Exports shall be valued at the actual Free on Board (FOB) export prices less the charges to deliver the oil to any export destination including pipeline and management charges. Oil delivered to the refinery shall be valued at the average FOB export prices during the last calendar month in which there was an export sale less the charges that would have been incurred to deliver the oil to any export destination including pipeline and management charges.

5.4 An Oil Revenue Stabilization Account shall be established from government oil net revenue derived from actual export sales above an agreed benchmark price. The benchmark price will be established annually as part of the national budget reflecting changing economic circumstances.

5.5 The Parties agree that at least two percent (2%) of oil revenue shall be allocated to the oil producing states/regions in proportion to output produced in such states/regions.

5.6 After the payment to the Oil Revenue Stabilization Account and to the oil producing states/regions, fifty percent (50%) of net oil revenue derived from oil producing wells in Southern Sudan shall be allocated to the Government of Southern Sudan (GOSS) as of the beginning of the Pre-Interim Period and the remaining fifty percent (50%) to the National Government and States in Northern Sudan.

5.7 A Future Generation Fund shall be established once national oil production reaches two (2) million barrels per day. This production criterion may, as part of the National Government's normal budget process, be reduced down to one (1) million barrels per day.

5.8 The Parties agree that all funds/special accounts referred to in this Agreement and future accounts shall be on-budget operations.

Page 55-56; CHAPTER III: WEALTH SHARING; 6. Sharing of Non-Oil Revenue

6.1 The National Government shall be entitled to legislate, raise and collect the below-listed taxes and to collect revenue from these sources:

- 6.1.1 National Personal Income Tax;
- 6.1.2 Corporate or Business Profit Tax;
- 6.1.3 Customs Duties and import taxes; and
- 6.1.4 Sea-ports and Airports Revenue;
- 6.1.5 Service charges;
- 6.1.6 Oil revenues as set out herein;
- 6.1.7 National Government Enterprises and projects;
- 6.1.8 VAT or GST or other retail taxes on goods and services;
- 6.1.9 Excise Tax;
- 6.1.10 Any other tax as agreed upon in these negotiations;
- 6.1.11 Loans, including borrowing from the Central Bank and the public.

6.2 The Government of Southern Sudan shall be entitled to revenue from the following sources and to raise and collect the below-listed taxes:

- 6.2.1 The National revenue allocation to the Government of Southern Sudan and States/Regions from the National Revenue Fund as set forth in section 7.0 of this Agreement;
- 6.2.2 Revenue from any of the sources listed as state/region revenue sources referred to in paragraph 6.3 herein;
- 6.2.3 The Southern Sudan Reconstruction and Development Fund (SSRDF);
- 6.2.4 Oil revenues as is set out in this Agreement;
- 6.2.5 Southern Sudan Government Taxes, which do not encroach on the exclusive National Government taxing powers or which are contemplated in the Power Sharing Protocol;
- 6.2.6 Service charges of the Government of Southern Sudan;
- 6.2.7 Government of Southern Sudan enterprises and projects;
- 6.2.8 Grants in Aid and Foreign Aid;
- 6.2.9 Taxes and levies on small and medium business;
- 6.2.10 Excise taxes on goods within the region deemed to be luxury consumables;
- 6.2.11 Southern Sudan Personal Income Tax;
- 6.2.12 Any other taxes as may be agreed to from time to time;
- 6.2.13 Loans and Borrowing in accordance with the Monetary Policy, Banking, Currency and Borrowing sections of this Agreement.

6.3 The states/regions shall be entitled to raise and collect the below-listed taxes and revenue from the below listed sources:

- 6.3.1 State/Regional Land and property tax and royalties;
- 6.3.2 Service charges for state/regional services;
- 6.3.3 Licences;
- 6.3.4 State/Regional Personal Income Tax;
- 6.3.5 Levies on Tourism;
- 6.3.6 State/Regional share of oil Revenues as is set out in paragraphs 5.5 and 5.6 of this Agreement;
- 6.3.7 State/Regional Government projects and state/regional nature parks;
- 6.3.8 Stamp duties;
- 6.3.9 Agricultural Taxes;
- 6.3.10 Grants in Aid and Foreign Aid through the National Government and the GOSS;
- 6.3.11 Excise taxes;
- 6.3.12 Border Trade charges or levies in accordance with National Legislation;
- 6.3.13 Other state/region taxes which do not encroach on national or Southern Sudan Government taxes;
- 6.3.14 Any other tax as may be agreed to from time to time; and
- 6.3.15 Loans and borrowing in accordance with the Monetary Policy, Banking, Currency and Borrowing sections of this Agreement.

Page 56-57; CHAPTER III: WEALTH SHARING; 7. Equalization and Allocation to The National, Southern Sudan and State/Regional Levels of Government In Respect of Revenue Collected Nationally

7.3 Notwithstanding the provisions of paragraphs 5.6, 7.1 and 13.1, the National Government shall allocate fifty percent (50%) of the national non-oil revenue collected in Southern Sudan, as provided for herein under paragraph 6.1 above, to the GOSS to partially meet the development cost and other activities during the Interim Period. The Parties agree to review this arrangement, at mid-term of the Interim Period, with the view of the National

Government allocating additional resources to the Government of Southern Sudan.

7.5 The states/regions and the Government of Southern Sudan shall retain and dispose of such other income raised and collected under their own taxing powers.

Page 57; CHAPTER III: WEALTH SHARING; 8. Fiscal and Financial Allocation and Monitoring Commission (FFAMC)

8.1 To ensure transparency and fairness both in regard to the allocation of nationally collected funds to the states/regions and the Government of Southern Sudan, a Fiscal and Financial Allocation and Monitoring Commission shall be established. This body shall be comprised of experts nominated by the various states/regions, the Government of Southern Sudan and the National Government. Decision making arrangements of the FFAMC shall be as agreed to by the Parties.

8.2 The FFAMC shall undertake the following duties and responsibilities:

8.2.1 Monitor and ensure that equalization grants from the National Revenue Fund are promptly transferred to respective levels of government;

8.2.2 Ensure appropriate utilization and sharing of financial resources;

8.2.3 Ensure that resources allocated to war affected areas are transferred in accordance with agreed upon formulae; and

8.2.4 Ensure transparency and fairness in the allocation of funds to the GOSS and states/regions according to established ratios or percentages stipulated in this Agreement.

Page 58; CHAPTER III: WEALTH SHARING; 11. Division of Government Assets

11.1 There shall be a fair and equitable division of government assets. An asset shall in the first instance be allocated to the level of government responsible for the function in respect of which the asset is related (e.g. school buildings to the level of government responsible for education). In the event of a dispute, the Parties agree that such dispute shall be referred to a committee comprising a representative of each of the Parties involved in the dispute and a mutually agreed expert.

Page 60; CHAPTER III: WEALTH SHARING; 14. Monetary Policy, Banking, Currency and Borrowing; A. Monetary Policy, Banking and Currency

14.8. The Parties agree to establish, during the Pre-Interim Period, an independent Board of Directors (BOD). Decisions of BOD on matters that may affect adversely the interest of either Party to this Agreement shall be by consensus. The BOD shall be responsible to the Presidency on the accountability of the CBOS and shall consist of nine (9) members as follows:

- a) Governor of CBOS (Chairperson) and his/her two deputies and;
- b) Six highly qualified Sudanese to be appointed by the Presidency taking into account the agreed formula in the Power Sharing Protocol for the institutions of the National Government.

Page 65; CHAPTER IV: THE RESOLUTION OF THE ABYEI CONFLICT; 1.2. Interim Period

1.2.3 Net oil revenues from Abyei will be divided six ways during the Interim Period: the National Government (50 percent); the Government of Southern Sudan (42 percent); Bahr el Ghazal region (2 percent); Western Kordofan (2 percent); locally with the Ngok Dinka (2 percent); and locally with the Misseriya people (2 percent);

Page 67; CHAPTER IV: THE RESOLUTION OF THE ABYEI CONFLICT; 3. Financial Resources

3.1 Without prejudice to the provisions of the Wealth Sharing Agreement, the net-oil revenue from the oil produced in Abyei Area shall be shared during the Interim Period as follows:

3.1.1 Fifty Percent (50%) to the National Government;

3.1.2 Forty Two Percent (42%) to the Government of Southern Sudan;

3.1.3 Two Percent (2%) to Bahr el Ghazal Region;

3.1.4 Two Percent (2%) to Western Kordofan;

3.1.5 Two Percent (2%) locally with the Ngok Dinka;

3.1.6 Two Percent (2%) locally with the Misseriya people.

3.2 In addition to the above financial resources, Abyei Area shall be entitled to:

3.2.1 The area share of the national revenue as per the Wealth Sharing Agreement;

3.2.2 The revenues raised in the Abyei Area from Income Tax and other taxes and levies;

3.2.3 The share of the Area in the National Reconstruction and Development Fund;

3.2.4 An equitable share of Southern Sudan Development and Reconstruction Fund;

3.2.5 Allocations from the National Government to cover the cost of establishment of the new administration, its running and provision of services;

3.2.6 Donations and grants.

3.5 The financial resources due to Abyei Area as provided in section 3 herein shall be deposited in special accounts, acceptable to the Presidency, from which the administration of the Area shall make withdrawals.

Page 77-78; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES; 8. The State Share in the National Wealth

8.1. The National wealth shall be shared equitably between different levels of Government so as to allow enough resources for each level of Government to exercise its constitutional competencies.

8.3. Oil producing state is entitled to two percent (2%) of the oil produced in that state, as specified in the Wealth Sharing Agreement.

8.4. The state shall be represented in the Fiscal and Financial Allocation and Monitoring Commission, which shall ensure transparency and fairness in regard to allocation of the share due to the state from the Nationally collected revenues and ensure that allocations due to the state are not withheld.

8.6. In allocating the funds to the war-affected areas and least developed areas, NRDF shall use the effects of war and level of development as the main criteria. The Parties agree to allocate seventy-five percent (75%) of the total fund to the war-affected areas, particularly to Southern Kordofan/Nuba Mountains and Blue Nile States, while the remaining balance shall be earmarked to the least developed areas.

8.7. The allocation of funds among the areas affected shall be determined during the Pre-Interim Period by the Joint National Transition Team (JNTT) that shall be established as agreed to in the Wealth Sharing Agreement, within the agreed percentages as in the above paragraph, taking into consideration the actual needs based on the results of Joint Assessment Mission.

8.8. The Fiscal and Financial Allocation and Monitoring Commission (FFAMC), as agreed to in the Wealth Sharing Agreement, shall allocate current transfers to Southern Kordofan/Nuba Mountains, Blue Nile and other war-affected areas and least developed areas according to the following criteria:
[...]

8.9. In addition to the budgetary allocations and the two states' share in the NRDF, the President shall allocate an amount of money to each of the two states.

8.14 There shall be a fair and equitable division of government assets. An asset shall in the first instance be allocated to the level of government responsible for the function in respect of which the asset is related (e.g., school

buildings to the level of government responsible for education). In the event of a dispute, the Parties agree that such dispute shall be referred to a committee comprising a representative of each of the Parties involved in the dispute and a mutually agreed expert.

Page 83; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES; Schedule (D): State Revenue Sources

The state shall be entitled to raise and collect the taxes and revenues from the sources listed hereunder:
[...]

Page 68; CHAPTER IV: THE RESOLUTION OF THE ABYEI CONFLICT; 7. Security Arrangements

7.1 There shall be established Abyei Area Security Committee, chaired by the Chief Administrator, and shall comprise of the Deputy Chief Administrator, the Army Commander, the Police Chief, and the representative of the Security Organ.

Page 87-89; CHAPTER VI: SECURITY ARRANGEMENTS

1. Status Of The Two Armed Forces

a. In the context of a united Sudan, and should the result of the referendum on self-determination confirm unity, the Parties (the Government of the Sudan and the Sudan People's liberation Movement and Army) agree to the formation of the future army of Sudan that shall be composed from the Sudanese Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA).

b. As part of a peace agreement and in order to end the war, the Parties agree that the two forces, the SAF and the SPLA shall remain separate during the Interim Period, and further agree that both forces shall be considered and treated equally as Sudan's National Armed Forces during the Interim Period taking into consideration 1(c) below.

c. The parties agree to the principles of proportional downsizing of the forces on both sides, at a suitable time, following the completion of the comprehensive ceasefire arrangements.

3. Redeployment

b. Except for those deployed in the Joint/Integrated Units, the rest of the forces of SAF currently deployed in the south shall be redeployed North of the South/North border of 1/1/1956 under international monitoring and assistance within and up to two and one half years (2 1/2) from the beginning of the pre-Interim Period.

c. Except for those deployed in the Joint/Integrated Units, the rest of SPLA forces currently deployed in Nuba Mountains and Southern Blue Nile shall be redeployed South of the South/North border of 1/1/1956 as soon as the Joint/Integrated Units are formed and deployed under international monitoring and assistance.

4. Joint/Integrated Units

There shall be formed Joint/ Integrated Units consisting of equal numbers from the Sudanese Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA) during the Interim Period. The Joint/ Integrated Units shall constitute a nucleus of a post referendum army of Sudan, should the result of the referendum confirm unity, otherwise they would be dissolved and the component parts integrated into their respective forces.

4.1 Elaboration on Joint/Integrated Unites

a. They should have a new character based on a common doctrine.

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b. Their Functions:

- I. They will be a symbol of national unity during the Interim Period.
- II. They will be a symbol of sovereignty during the Interim Period.
- III. They will participate in the defence of the country together with the two forces.
- IV. They will provide a nucleus of a post Interim Period future army of the Sudan should the vote of referendum confirm unity.
- V. They shall be involved in the reconstruction of the country.

c. Size and Deployment

The size and deployment of the Joint/Integrated Units throughout the Interim Period shall be as indicated below:

- I. Southern Sudan: twenty four thousands (24.000)
- II. Nuba Mountains: six thousands (6.000).
- III. Southern Blue Nile: six thousands (6.000).
- IV. Khartoum: three thousands (3.000).
- V. Eastern Sudan: a. The redeployment of SPLA forces from Eastern Sudan to South of the South/North border of 1/1/1956 shall be completed within one (1) year from the beginning of the pre-Interim period. b. The parties shall discuss the issue of establishing Joint/Integrated Units.

5. Command and Control of The Two Forces

1. The Parties agree to establish a Joint Defence Board (JDB) under the Presidency, and shall be comprised of the chiefs of staff of the two forces, their deputies and any number of senior officers to be agreed to by the parties. It shall take its decisions by consensus and it shall be chaired alternately by the respective Chiefs of Staff.

2. Functions of JDB

The JDB shall perform the following functions:

- a. Co-ordination between the two forces.
- b. Command of the Joint/ Integrated Units.

6. Common Military Doctrine

The parties shall develop a common military doctrine as a basis for the Joint/Integrated Units, as well as a basis for a post Interim Period army of the Sudan, if the referendum vote is in favour of unity. The parties shall develop this common doctrine within one year from the beginning of the Interim Period. During the Interim Period, the training of the SPLA (in the South), the SAF (in the North) and the joint units (in both North and South) will be based on this common doctrine.

Page 96-97; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART I: The Ceasefire Arrangements; 7. Duration and Calendar of Major Ceasefire Activities

7.1. Duration of the ceasefire shall be divided into four phases

7.1.1 Phase I: The Pre-interim Period duration 6 months (D-day to D-day + 6 months) ceasefire activities shall start (as per attached lists), including the redeployment of SAF from the South to the North, the beginning of the Demobilization, Disarmament, Re-integration and Reconciliation (DDRR), the redeployment of SPLA forces from Eastern Sudan, the formation, co-location in training centres, training of the Joint/Integrated Units (JIUs) and the UN monitoring.

7.1.2 Phase II: First half of the Interim Period duration 36 months (D-day+ 6 months to D-day + 42 months). This phase shall cover the completion of deployment of the JIUs, redeployment of the SPLA forces from the Eastern Sudan to the south, redeployment of the SPLA forces from Nuba Mountains and Southern Blue Nile to the south and redeployment of SAF from the South to the North. The DDR activities shall continue. The negotiations on proportionate downsizing shall also start at this phase.

7.1.3 Phase III: Second half of the Interim Period duration 36 months (D-day + 42 months to D-day + 78 months). Continuation of DDR process, training and the monitoring process. Development of plans and modalities of transforming the JIUs into integrated ones.

7.1.4 Phase IV: Post Interim Period duration 6 months (D- day + 78 months to D-day + 84 months). Formation of Sudan National Armed Forces (SNAF) in case of unity or dissolution of JIUs in case of secession.

Page 108-09; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART II: The Armed Forces

16. Military Mission and Mandate

16.1. Without prejudice to the provisions of sub-sections 1 (b) and 4.1(b) of the Agreement on Security Arrangements, the mission and mandate for Sudan Armed Forces (SAF), Sudan People's Liberation Army (SPLA) and the Joint/Integrated Forces within their respective areas of deployment during the interim period shall clearly be specified within the first year of the interim period by the Joint Defence Board subject to the approval of the Presidency.

16.2. Without prejudice to sub-section 16.1 above, the Sudanese Armed Forces (SAF), the Sudan People's Liberation Army (SPLA) and the Joint/Integrated Units (JIUs) shall be charged with the mission of defending the sovereignty and territorial integrity of the Sudan during the interim period.

16.6. The Parties shall jointly develop a code of conduct for the members of all armed forces based on the common military doctrine that shall be developed as stipulated for in section 6 of the Agreement on Security Arrangements.

17. The Joint Defence Board (JDB)

17.1. The JDB shall be composed and structured on parity basis and take its decisions by consensus. It shall be composed of the Chiefs of Staff of SAF and SPLA, their deputies and four senior officers from each party.

17.5. The two Commanders in Chief shall appoint the Commander and the deputy commander of the JIUs who shall be ex officio members of the JDB.

17.6. In the event of any external or internal threat, the JDB shall, subject to section 16.2 above, decide on how to address the situation. The JDB shall decide whether all forces, the JIUs or either force (SAF and SPLA) shall handle the threat alone or collectively. The JDB may also decide on the appropriate support and reinforcements that other forces shall lend to the forces facing direct threat and aggression. In a joint operation, JDB shall determine lead HQS for that operation.

17.7. The JDB shall be entrusted to work out a comprehensive framework for confidence building. Confidence building measures between the SAF and SPLA may include exchanging visits, organizing cultural and sport events, convening of joint training courses, and participating in national and religious celebrations and any other activities that shall help in building confidence.

17.8. The JDB shall form a committee to lay down the principles of the future Sudan National Armed Forces, should the result of the referendum on self-determination confirm unity.

Page 111-16; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART II: The Armed Forces; 20. The Status of Joint Integrated Units

20.1. There shall be formed Joint/Integrated Units (hereinafter referred to as JIUs) during the pre-interim and the interim period from the SAF and the SPLA. This shall form the nucleus of the future Sudanese National Armed Forces (SNAF) should the result of the referendum on the right of self-determination for the people of Southern Sudan confirm unity of the country.

20.2. If the result of the referendum is in favour of secession of the South from the North, the JIUs shall dissolve with each component reverting to its mother Armed Forces to pave the way for the formation of the separate Armed Forces for the emerging states.

20.3. Notwithstanding sub-Sections 20.10.1, 20.10.2, 20.10.3, 20.10.4, and 20.10.5, formation, training, tasking and deployment of JIUs formations and sub-formations shall be completed not later than D-day + 21 months.

20.4. At the initial stage of the formation of the JIUs, SAF component shall be liable to relief "after two years of deployment". Nonetheless, they shall be locked-in by D-day + 33 months.

20.5. At the inception, the JIUs shall remain in their joint form. However, the process of full integration shall be completed by D-day + 52 months.

20.6. The JIUs as per Agreement on Security Arrangements shall fall under the command of the Joint Defence Board (JDB). Nevertheless, the two Commanders-in-Chief shall appoint the commander and deputy commander for the JIUs as the highest level who shall, by virtue of their positions, be members of the JDB. They shall oversee routine command matters of the JIUs in accordance to authority conferment by the JDB.

20.7. The JIUs command shall be exercised on parity basis between SAF and the SPLA officers with alternation of roles at the uppermost and other levels of command.

20.8. The JIUs personnel shall be treated equally. There shall be uniformity in welfare, salaries, emoluments, pensions rights, supplies, armament, and equipment.

20.9. The Parties have further discussed the issue of establishing JIUs in Eastern Sudan and have decided to continue discussing the issue during the Interim Period and resolve it as they deem fit.

20.10 Training of the Joint Integrated Units

20.10.1. Both Armed Forces (SAF and SPLA) shall complete selection and organization of officers, Non-Commissioned Officers (NCOs) and men for the JIUs within three months from the beginning of the pre-interim period.

20.10.2. Notwithstanding sub-section 20.3 above, the JIUs components from both Parties shall be formed within three months from the pre-interim period and co-locate in their various training centres to be trained for not less than six months after which they shall be tasked and deployed.

20.10.3. There shall be developed as soon as practicable a joint doctrine, code of conduct, as well as disciplinary laws, regulations, and standing operating procedures to govern the JIUs general training policies, programmes, disciplinary scopes and behavioral patterns.

20.10.4. In view of special status of Khartoum and Juba, the JIUs Command shall allot tasks to the JIUs contingents that shall be deployed to these cities by the end of the pre-interim period after completion of initial joint training session that shall not exceed three months. Nonetheless, the JIUs command shall organize further training sessions for these contingents in accordance to JIUs training policy and programmes.

20.10.5. The parties shall appeal to the international community to render additional technical, material and financial support to assist in forming and training the JIUs.

20.11. JIUs Command and Control

The JIUs Headquarters is under command of JDB and shall be located in Juba. The JIUs command shall perform among other things, the following duties and responsibilities:

20.11.1. Command of the JIUs formations and units;

20.11.2. Promotion of mutual cooperation between the JIUs, SAF and SPLA at all command levels;

20.11.3. Coordination of supply and replenishments plans with the JDB;

20.11.4. Implementation of the JDB plans, policies, programmes and directives pertaining to the JIUs;

20.11.5. Appointment and transfer of JIUs officers within the discretion of the JIUs command;

20.11.6. Create and promote confidence building measures;

20.11.7. Development and execution of training programmes for the JIUs;

20.11.8. Coordination with the CPC;

20.11.9. Resolution of disputes that may arise within the JIUs jurisdiction.

20.12. The JIUs Commanders shall exercise the following authority/responsibility

- 20.12.1. Command and control of JIUs in their respective areas of command;
- 20.12.2. Implementation of and compliance with the directives of the JIUs Higher Headquarters;
- 20.12.3. Implement confidence building policies of the higher headquarters as well as create and promote confidence building measures within their power as shall be desirable;
- 20.12.4. Development and execution of training programmes within their command jurisdiction;
- 20.12.5. Performance of any other duties that may be conferred upon them by the higher headquarters.

20.13. The JIUs Composition and organization

20.13.1 Composition:

- 20.13.1.1. The JIUs shall initially be formed from SAF and SPLA, out of their ground forces;
- 20.13.1.2. By D-Day + 12 months, SPLA nominated personnel shall commence training in the service arms of the Airforce, Navy and Air Defence, so as to make available SPLA contribution to the JIUs Service Arms which shall be established as per sub-section 20.13.1.3 below;
- 20.13.1.3. By D-Day+36 months, the first JIUs service arms unit shall be established, others shall follow according to the graduation of qualified SPLA JIUs personnel as determined by the JDB, further training may continue according to the needs as may be decided by the JDB;
- 20.13.1.4. SAF component of the JIUs service arms shall be nominated and assigned as soon as the SPLA component of JIUs service arms is trained and graduated;
- 20.13.1.5. JIUs Service Arms of the Airforce, Navy and Air Defence shall be part of the overall number of forces of the JIUs already agreed to by the Parties.

20.13.2 Organization

20.13.2.1. The higher JIUs formation shall be division (see organizational structure attached as annexure 3). Thus, there shall be formed five JIUs division and one independent brigade as follows:

- a) 1st Infantry Division which shall have a total strength of 9000 officers, NCOs and men and shall be deployed in Equatoria area.
- b) 2nd Infantry Division which shall have a total strength of 8000 officers, NCOs and men and shall be deployed in Upper Nile area.
- c) 3rd Infantry Division which shall have a total strength of 7000 officers, NCOs and men and shall be deployed in Bahr el Ghazal area.
- d) 4th Infantry Division (unlike the other divisions, both 4th and 5th Infantry divisions are under-strength divisions) which shall have a total strength of 6000 officers, NCOs and men and shall be deployed in southern Blue Nile.
- e) 5th Infantry Division which shall have a total strength of 6000 officers, NCOs and men and shall be deployed in southern Kordofan/Nuba Mountains.
- f) Independent Brigade which shall be deployed in Khartoum with the total strength of 3000 officers, NCOs and men.

20.13.2.2. There shall be formed a JIU Infantry Battalion (Inf. Bn.) for Abyei Area whose strength shall be in accordance with JIUs standards. It shall be deployed in Abyei area and attached to 3rd Infantry Division.

20.13.2.3. Infantry brigades, of not more than 3000 troops each, to compose of:

- i. Brigade Command;
- ii. Brigade HQ Company;
- iii. Two to four infantry Battalions;
- iv. Armored, artillery, engineering, transport, signal and medical corps.

20.13.2.4. The infantry battalion shall compose of:

- i. Battalion Command;
- ii. Battalion HQ Company;
- iii. Two to four infantry companies;
- iv. Support Company.

20.13.2.5. JIUs battalion shall be formed of two SAF companies and two SPLA companies, whereas the HQs Company and the support company shall be mixed. The size of the forces in each locality shall not exceed one infantry battalion.

20.14 JIUs Detailed Deployment

20.14.6. Khartoum Independent Brigade: There shall be one JIUs Brigade in Khartoum that shall be deployed with the Republican Guard in Soba. The VIP

	<p>Protection Force is located according to the Presidential Unit, and Capital Security Force in Jebel Awlia'a.</p> <p>20.14.7. The Parties agree that the JIUs shall protect the oilfields as provided in sub-section 20.14.2 and the oil installations shall be demilitarized. In case of any threat to the oil installations, the JDB shall decide on the appropriate and necessary measures.</p>
<p>tj_amn Amnesty</p>	
<p>tj_pri Prisoner Release</p>	<p>Page 94; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART I: The Ceasefire Arrangements; 1. General and Fundamental Provisions</p> <p>1.8. The Parties shall commit themselves to immediate release of prisoners of war (POWs) and as a gesture of national reconciliation release any other persons detained as a result of the war upon the endorsement of the Comprehensive Peace Agreement;</p> <p>1.9. The Parties shall involve the International Committee of the Red Cross (ICRC) in the process of arranging the release of POWs and other persons detained as a result of the war;</p> <p>Page 121; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART III: Demobilization, Disarmament, Re-Integration and Reconciliation; 27. Humanitarian and General Provisions</p> <p>27.2. The Parties agree that the issue of the release of all civil political detainees as part of the confidence building measures, national healing and reconciliation process shall be discussed on and dealt with within the discussions on the implementation modalities.</p>
<p>tj_hum Human Rights</p>	<p>Page 1; CHAPTER I: THE MACHAKOS PROTOCOL; THE PREAMBLE, PRINCIPLES, AND THE TRANSITION PROCESS</p> <p>WHEREAS as the Parties are desirous of resolving the Sudan Conflict in a just and sustainable manner by addressing the root causes of the conflict and by establishing a framework for governance through which power and wealth shall be equitably shared and human rights guaranteed; and</p> <p>Page 2; CHAPTER I: THE MACHAKOS PROTOCOL; PART A: Agreed Principles</p> <p>1.5 That the people of the Sudan share a common heritage and aspirations and accordingly agree to work together to: [...]</p> <p>1.5.2 Find a comprehensive solution that addresses the economic and social deterioration of the Sudan and replaces war not just with peace, but also with social, political and economic justice which respects the fundamental human and political rights of all the Sudanese people.</p> <p>Page 5; CHAPTER I: THE MACHAKOS PROTOCOL; State and Religion</p> <p>Recognizing that Sudan is a multi-cultural, multi-racial, multi-ethnic, multi-religious and multi-lingual country and confirming that religion shall not be used as a divisive factor, the Parties hereby agree as follows: [...]</p> <p>6.5. The Parties agree to respect the following Rights: [...]</p>

6.5.2. To establish and maintain appropriate charitable or humanitarian institutions;
[...]

Page 12; CHAPTER II: POWER SHARING; PART I; 1. General Principles

1.4 The Parties agree that the following principles shall guide the distribution of powers and the establishment of structures:
[...]

1.4.3 Acknowledgement of the need to promote the welfare of the people and protect their human rights and fundamental freedoms;

1.4.4 Recognition of the need for the involvement and participation of the people of South Sudan at all levels of government and National institutions as an expression of the national unity of the country;

Page 14-17; CHAPTER II: POWER SHARING; PART I; 1. General Principles; 1.6 Human Rights and Fundamental Freedoms

1.6.1 The Republic of the Sudan, including all levels of Government throughout the country, shall comply fully with its obligations under the international human rights treaties to which it is or becomes a party. These include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Slavery Convention of 1926, as amended, and the related Supplementary Convention, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the International Convention Against Apartheid in Sports, the Convention Relating to the Status of Refugees and the Related Protocol, and the African Charter on Human and People's Rights. The Republic of the Sudan should endeavor to ratify other human rights treaties which it has signed.

1.6.2 The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following:-

[...]

1.6.2.16 Equal Rights of Men and Women

(a) The equal right of men and women to the enjoyment of all civil and political rights set forth in the International Covenant on Civil and Political Rights and all economic, social, and cultural rights set forth in the International Covenant on Economic, Social and Cultural Rights shall be ensured;

(b) The human rights and fundamental freedoms embodied in the International Covenant on Civil and Political Rights (ICCPR) shall also be reflected in the Interim National Constitution. No derogation from these rights and freedoms shall be made under the Constitution or under the ICCPR except in accordance with the provisions thereof and only with the approval of the Presidency and the National Legislature, as required by Section 2.3.14 herein;

(c) These human rights and fundamental freedoms shall be monitored by the Human Rights Commission specified in paragraph 2.10.1.2 herein.

Page 23-28; CHAPTER II: POWER SHARING; PART II; 2. Institutions At The National Level

2.4 National Capital

[...]

2.4.3 Human rights and fundamental freedoms as specified in the Machakos Protocol, and in the Agreement herein, including respect for all religions, beliefs and customs, shall be guaranteed and enforced in the National Capital, as well as throughout the whole of Sudan, and shall be enshrined in the Interim National Constitution.

2.10 Other Independent and/or National Institutions to be Established in Accordance with the Peace Agreement:

2.10.1 The National Constitutional Review Commission, as detailed in Section 2.12 herein, shall also detail the mandate and provide for the appointment and other mechanisms to ensure the independence of the following institutions:-

[...]

2.10.1.2 A Human Rights Commission;

2.11 The National Judiciary

[...]

2.11.3. The Constitutional Court

[...]

2.11.3.2. The Constitutional Court shall:

[...]

(vii) Protect human rights and fundamental freedoms;

Page 44; CHAPTER II: POWER SHARING; PART V: Schedules, Schedule F: Resolution of Conflicts in Respect of Concurrent Powers

If there is a contradiction between the provisions of Southern Sudan law and/or a State law and/or a National law, on the matters referred in Schedule D, the law of the level of government which shall prevail shall be that which most effectively deals with the subject matter of the law, having regard to: [...]

4. The need to promote the welfare of the people and to protect each person's human rights and fundamental freedoms.

Page 73; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES; 1. General Principles

The Parties agree on the following, as the basis for political, administrative, economic and social solution to the conflict in Southern Kordofan/Nuba Mountains and Blue Nile:

1.1. Human rights and fundamental freedoms shall be guaranteed to all individuals in the State as prescribed in the Interim National Constitution;

Page 100; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART I: The Ceasefire Arrangements; 10. Violations

10.1. The following acts shall constitute violations to this Agreement:

[...]

10.1.6. Violation of human rights, humanitarian law and obstruction of freedom of movement;

Page 108; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART II: The Armed Forces; 16. Military Mission and Mandate

16.3. The two Armed Forces and the JIUs shall be regular, professional, and nonpartisan armed forces. They shall respect the rule of law and civilian government, democracy, basic human rights, and the will of the people.

Page 121; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART III: Demobilization, Disarmament, Re-Integration and Reconciliation; 27. Humanitarian and General Provisions

27.3. Humanitarian law and civil and political rights shall be closely observed.

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Indigenous &
Minority Rights

Page 2; CHAPTER I: THE MACHAKOS PROTOCOL; PART A: Agreed Principles

1.5 That the people of the Sudan share a common heritage and aspirations and accordingly agree to work together to:

1.5.1 Establish a democratic system of governance taking account of the cultural, ethnic, racial, religious and linguistic diversity and gender equality of the people of the Sudan.

Page 5; CHAPTER I: THE MACHAKOS PROTOCOL; State and Religion

Recognizing that Sudan is a multi-cultural, multi-racial, multi-ethnic, multi-religious and multi-lingual country and confirming that religion shall not be used as a divisive factor, the Parties hereby agree as follows:

6.1 Religions, customs and beliefs are a source of moral strength and inspiration for the Sudanese people.

6.2 There shall be freedom of belief, worship and conscience for followers of all religions or beliefs or customs and no one shall be discriminated against on such grounds.

6.3 Eligibility for public office, including the presidency, public service and the enjoyment of all rights and duties shall be based on citizenship and not on religion, beliefs or customs.

6.4 All personal and family matters including marriage, divorce, inheritance, succession and affiliation may be governed by the personal laws (including Sharia or other religious laws, customs or traditions) of those concerned.

Page 6-7; CHAPTER I: THE MACHAKOS PROTOCOL; PART C: Structures of Government

To give effect to the agreements set out in Part A, the Parties, within a framework of a unified Sudan which recognizes the right to self-determination for the people of Southern Sudan, hereby agree that with respect to the division of powers and the structures and functions of the different organs of government, the political framework of governance in the Sudan shall be structured as follows:

[...]

3.2 National Government

3.2.1 There shall be a National Government which shall exercise such functions and pass such laws as must necessarily be exercised by a sovereign state at national level. The National Government in all its laws shall take into account the religious and cultural diversity of the Sudanese people.

3.2.2 Nationally enacted legislation having effect only in respect of the states outside Southern Sudan shall have as its source of legislation Sharia and the consensus of the people.

3.2.3 Nationally enacted legislation applicable to the Southern States and/or the Southern Region shall have as its source of legislation popular consensus, the values and the customs of the people of Sudan (including their traditions and religious beliefs, having regard to Sudan's diversity).

3.2.4 Where national legislation is currently in operation or is enacted and its source is religious or customary law, then a state or region, the majority of whose residents do not practice such religion or customs may:

(i) Either introduce legislation so as to allow or provide for institutions or practices in that region consistent with their religion or customs, or

(ii) Refer the law to the Council of States for it to approve by two-thirds (2/3) majority or initiate national legislation which will provide for such necessary alternative institutions as is appropriate.

Page 8; CHAPTER I: THE MACHAKOS PROTOCOL; The Right to Self-Determination for The People of South Sudan

1.3 That the people of South Sudan have the right to self-determination, inter alia, through a referendum to determine their future status.

Page 23; CHAPTER II: POWER SHARING; PART II; 2. Institutions at the National Level; 2.4 National Capital

2.4.5 Without prejudice to the competency of any National Institution to promulgate laws, judges and law enforcement agents shall, in dispensing justice and enforcing current laws in the National Capital be guided by the following:-

2.4.5.1 Tolerance shall be the basis of coexistence between the Sudanese people of different cultures, religions and traditions;
[...]

2.4.5.4 The judicial discretion of courts to impose penalties on Non-Muslims shall observe the long-established legal (Sharia) principle that non-Muslims are not subject to prescribed penalties, and therefore remitted penalties shall apply;

2.4.6 A special commission shall be appointed by the Presidency to ensure that the rights of non-Muslims are protected in accordance with the aforementioned guidelines and not adversely affected by the application of Sharia Law in the Capital. The said commission shall make its observations and recommendations to the Presidency.

Page 26-27; CHAPTER II: POWER SHARING; PART II; 2. Institutions at the National Level

2.8 Language

2.8.1 All the indigenous languages are national languages which shall be respected, developed and promoted.
[...]

2.8.4 In addition to Arabic and English, the legislature of any sub-national level of government may adopt any other national language(s) as additional official working language(s) at its level.

2.8.5 The use of either language at any level of government or education shall not be discriminated against.

Page 32; CHAPTER II: POWER SHARING; PART III; 3. Government of Southern Sudan

3.4 A primary responsibility of the Government of Southern Sudan will be to act as an authority in respect of the States of Southern Sudan, to act as a link with the National Government and to ensure that the rights and interests of the people of Southern Sudan are safeguarded during the Interim Period.

Page 49-50; CHAPTER III WEALTH SHARING; 2. Ownership of Land and Natural Resources

2.6 Without prejudice to the jurisdiction of courts, there shall be established a National Land Commission that shall have the following functions:
[...]

2.6.6 Accept references on request from the relevant government, or in the process of resolving claims, and make recommendations to appropriate levels of government concerning:
[...]

2.6.6.2 Recognition of customary land rights and/or law.

2.7 In accordance with this Agreement and without prejudice to the jurisdiction of courts, there shall be established a Southern Sudan Land Commission which shall have the following functions:
[...]

2.7.6 Accept references on request from the relevant government, or in the process of resolving claims, and make recommendations to the appropriate levels of government concerning:
[...]

2.7.6.2 Recognition of customary land rights and/or law.

Page 59; CHAPTER III: WEALTH SHARING; 14. Monetary Policy, Banking, Currency and Borrowing

A. Monetary Policy, Banking and Currency

14.1 The Parties agree, consistent with the Machakos Protocol of 20th July 2002, to have a dual banking system in Sudan during the Interim Period. An Islamic banking system shall operate in Northern Sudan and conventional banking system shall operate in Southern Sudan.

14.2 The Parties agree that conventional banking facilities are urgently needed in Southern Sudan. The Parties therefore agree to establish, during the Pre-Interim Period, the Bank of Southern Sudan (BOSS) as a branch of Central Bank of Sudan (CBOS) consistent with paragraph 14.1 above.

14.3 The Parties agree to restructure, during the Pre-Interim Period, the CBOS so as to reflect the duality of the banking system in Sudan. The CBOS shall therefore use and develop two sets of banking instruments, one Islamic and the other Conventional, to regulate and supervise the implementation of a single monetary policy through: (i) an Islamic financing window in Northern Sudan under a deputy governor of CBOS using Islamic financing instruments to implement the national monetary policy in Northern Sudan; and (ii) the Bank of Southern Sudan (BOSS), headed by a deputy governor of CBOS, to manage the conventional window using conventional financing instruments in implementing the same national monetary policy in Southern Sudan.

Page 65; CHAPTER IV THE RESOLUTION OF THE ABYEI CONFLICT; 1. Principles of Agreement on Abyei;

1.1 In General

[...]

1.1.3 The Misseriya and other nomadic peoples retain their traditional rights to graze cattle and move across the territory of Abyei.

Page 73; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES; 1. General Principles

The Parties agree on the following, as the basis for political, administrative, economic and social solution to the conflict in Southern Kordofan/Nuba Mountains and Blue Nile:

[...]

1.2. The diverse cultural heritage and local languages of the population of the State shall be developed and protected;

Page 2; CHAPTER I: THE MACHAKOS PROTOCOL; PART A: Agreed Principles

1.5. That the people of the Sudan share a common heritage and aspirations and accordingly agree to work together to:

1.5.1. Establish a democratic system of governance taking account of the cultural, ethnic, racial, religious and linguistic diversity and gender equality of the people of the Sudan.

Page 16-17; CHAPTER II: POWER SHARING; PART I; 1. General Principles; 1.6 Human Rights and Fundamental Freedoms

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following:

[...]

1.6.2.10 Family and Marriage

[...]

tj_wom

Women's Rights &
Gender Issues

(b) The right of men and women of marriageable age to marry and to found a family shall be recognized, according to their respective family laws.

1.6.2.13. Freedom from Discrimination

The law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;
[...]

1.6.2.16. Equal Rights of Men and Women

(a) The equal right of men and women to the enjoyment of all civil and political rights set forth in the International Covenant on Civil and Political Rights and all economic, social, and cultural rights set forth in the International Covenant on Economic, Social and Cultural Rights shall be ensured;

Page 25; CHAPTER II: POWER SHARING; PART II; 2. Institutions At The National Level

2.6 Civil Service

2.6.1 The Government of National Unity shall also ensure that the National Civil Service, notably at the senior and middle-levels, is representative of the people of Sudan. In so doing, the following principles shall be recognized:
[...]

2.6.1.4 No level of government shall discriminate against any qualified Sudanese citizen on the basis of religion, ethnicity, region, gender, or political beliefs;

Page 41; CHAPTER II: POWER SHARING; PART V: Schedules; Schedule B: Powers of The Government of Southern Sudan

The exclusive legislative and executive powers of the Government of Southern Sudan shall be:

[...]

18. Rehabilitation and benefits to disabled war veterans, orphans, widows and care for the dependents of deceased war fallen heroes;

Page 43; CHAPTER II: POWER SHARING; PART V: Schedules; Schedule D: Concurrent Powers

The National Government, the Government of Southern Sudan and State Governments, shall have legislative and executive competencies on any of the matters listed below during the Interim Period:

[...]

21. Women's empowerment;

22. Gender policy;

[...]

26. Mother, Child protection and care;

Page 47; CHAPTER III: WEALTH SHARING; 1. Guiding Principles in Respect of an Equitable Sharing of Common Wealth

1.4 The sharing and allocation of wealth emanating from the resources of the Sudan shall ensure that the quality of life, dignity and living conditions of all the citizens are promoted without discrimination on grounds of gender, race, religion, political affiliation, ethnicity, language, or region. The sharing and allocation of this wealth shall be based on the premise that all parts of Sudan are entitled to development.

Page 82; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES; Schedule (B): Concurrent Powers

The National and State Governments shall have concurrent Legislative and Executive competencies on any of the matters listed below:

[...]

19. Gender policy;

20. Women's empowerment;

23. Women welfare and child protection and care;

Page 119; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART III: Demobilization, Disarmament, Re-Integration and Reconciliation; 24. Guiding Principles

24.8. The DDR programme shall be gender sensitive and shall encourage the participation of the communities and the civil society organizations with the view. to strengthening their capacities to play their role in improving and sustaining the social and economic reintegration of former combatants.

Page 2-8; CHAPTER I: THE MACHAKOS PROTOCOL

PART A: Agreed Principles

1.3 That the people of South Sudan have the right to self-determination, inter alia, through a referendum to determine their future status.

[...]

1.5 That the people of the Sudan share a common heritage and aspirations and accordingly agree to work together to:

[...]

1.5.2 Find a comprehensive solution that addresses the economic and social deterioration of the Sudan and replaces war not just with peace, but also with social, political and economic justice which respects the fundamental human and political rights of all the Sudanese people.

PART B: The Transition Process

2. There shall be a Pre-Interim Period, the duration of which shall be six (6) months.

[...]

2.5 At the end of the six (6) year Interim Period there shall be an internationally monitored referendum, organized jointly by the GOS and the SPLM/A, for the people of South Sudan to: confirm the unity of the Sudan by voting to adopt the system of government established under the Peace Agreement; or to vote for secession.

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Civil & Political
Rights

State and Religion

Recognizing that Sudan is a multi-cultural, multi-racial, multi-ethnic, multi-religious and multi-lingual country and confirming that religion shall not be used as a divisive factor, the Parties hereby agree as follows:

[...]

6.2 There shall be freedom of belief, worship and conscience for followers of all religions or beliefs or customs and no one shall be discriminated against on such grounds.

6.3 Eligibility for public office, including the presidency, public service and the enjoyment of all rights and duties shall be based on citizenship and not on religion, beliefs or customs.

6.4 All personal and family matters including marriage, divorce, inheritance, succession and affiliation may be governed by the personal laws (including Sharia or other religious laws, customs or traditions) of those concerned.

6.5 The Parties agree to respect the following Rights:

6.5.1 To worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes;

6.5.2 To establish and maintain appropriate charitable or humanitarian institutions;

6.5.3 To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;

6.5.4 To write, issue and disseminate relevant publications in these areas;

6.5.5 To teach religion or belief in places suitable for these purposes;

6.5.6 To solicit and receive voluntary financial and other contributions from individuals and institutions;

6.5.7 To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;

6.5.8 To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religious beliefs;

6.5.9 To establish and maintain communications with individuals and communities in matters of religion and belief and at the national and international levels;

6.5.10 For avoidance of doubt, no one shall be subject to discrimination by the National Government, state, institutions, group of persons or person on grounds of religion or other beliefs.

6.6 The Principles enumerated in Section 6.1 through 6.5 shall be reflected in the Constitution.

PART C: Structures of Government

To give effect to the agreements set out in Part A, the Parties, within a framework of a unified Sudan which recognizes the right to self-determination for the people of Southern Sudan, hereby agree that with respect to the division of powers and the structures and functions of the different organs of government, the political framework of governance in the Sudan shall be structured as follows:

3.1 Supreme Law

3.1.1 The National Constitution of the Sudan shall be the Supreme Law of the land. All laws must comply with the National Constitution. This Constitution shall regulate the relations and allocate the powers and functions between the different levels of government as well as prescribe the wealth sharing arrangements between the same. The National Constitution shall guarantee freedom of belief, worship and religious practice in full to all Sudanese citizens.

3.2 National Government

3.2.2 Nationally enacted legislation having effect only in respect of the states outside Southern Sudan shall have as its source of legislation Sharia and the consensus of the people.

3.2.3 Nationally enacted legislation applicable to the Southern States and/or the Southern Region shall have as its source of legislation popular consensus, the values and the customs of the people of Sudan (including their traditions and religious beliefs, having regard to Sudan's diversity).

3.2.4 Where national legislation is currently in operation or is enacted and its source is religious or customary law, then a state or region, the majority of whose residents do not practice such religion or customs may:

(i) Either introduce legislation so as to allow or provide for institutions or practices in that region consistent with their religion or customs, or

(ii) Refer the law to the Council of States for it to approve by two-thirds (2/3) majority or initiate national legislation which will provide for such necessary alternative institutions as is appropriate.

The Right to Self-Determination for The People of South Sudan

1.3 That the people of South Sudan have the right to self-determination, inter alia, through a referendum to determine their future status.

2.5 At the end of the six (6) year Interim Period there shall be an internationally monitored referendum, organized jointly by the GOS and the SPLM/A, for the people of South Sudan to: confirm the unity of the Sudan by voting to adopt the system of government established under the Peace Agreement; or to vote for secession.

Page 14-17; CHAPTER II: POWER SHARING; PART I; 1. General Principles; 1.6 Human Rights and Fundamental Freedoms

1.6.1 The Republic of the Sudan, including all levels of Government throughout the country, shall comply fully with its obligations under the international human rights treaties to which it is or becomes a party. These include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Slavery Convention of 1926, as amended, and the related Supplementary Convention, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the International Convention Against Apartheid in Sports, the Convention Relating to the Status of Refugees and the Related Protocol, and the African Charter on Human and People's Rights. The Republic of the Sudan should endeavor to ratify other human rights treaties which it has signed.

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following:-

1.6.2.1 Life

Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his/her life;

1.6.2.2 Personal Liberty

Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his/her liberty except on such grounds and in accordance with such procedures as are established by law;

1.6.2.3 Slavery

No one shall be held in slavery; slavery and the slave trade in all their forms shall be prohibited. No one shall be held in servitude or be required to perform forced or compulsory labour;

1.6.2.4 Torture

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment;

1.6.2.5 Fair Trial

(a) Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his/her arrest and shall be promptly informed of any charges against him/her;

(b) In the determination of any criminal charges against him/her, or of his/her rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law;

(c) Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law;

(d) No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed;

(e) In the determination of any criminal charge against him/her, everyone shall be entitled, in full equality, to be tried without undue delay, to be tried in his/her presence and to defend himself/herself in person or through legal assistance of his/her own choosing and to have legal assistance assigned to him/her in any case where the interests of justice so require.

1.6.2.6 Privacy

No one shall be subjected to arbitrary or unlawful interference with his/her privacy, family, home or correspondence;

1.6.2.7 Freedom of Thought, Conscience and Religion

Everyone shall have the right to freedom of thought, conscience and religion;

1.6.2.8 Freedom of Expression

Everyone shall have the right to freedom of expression;

1.6.2.9 Freedom of Assembly and Association

The right of peaceful assembly shall be recognized. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his/her interests;

1.6.2.10 Family and Marriage

(a) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State;

(b) The right of men and women of marriageable age to marry and to found a family shall be recognized, according to their respective family laws.

1.6.2.11 Right to Vote

Every citizen shall have the right and the opportunity, without distinctions and unreasonable restrictions, to vote and to be elected at genuine periodic elections, which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

1.6.2.12 Equality Before the Law

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law;

1.6.2.13 Freedom from Discrimination

The law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

1.6.2.14 Freedom of Movement

Everyone has the right to liberty of movement and freedom to choose his/her residence;

1.6.2.15 The Rights of Children

Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his/her status as a minor.;

1.6.2.16 Equal Rights of Men and Women

(a) The equal right of men and women to the enjoyment of all civil and political rights set forth in the International Covenant on Civil and Political Rights and

all economic, social, and cultural rights set forth in the International Covenant on Economic, Social and Cultural Rights shall be ensured;

(b) The human rights and fundamental freedoms embodied in the International Covenant on Civil and Political Rights (ICCPR) shall also be reflected in the Interim National Constitution. No derogation from these rights and freedoms shall be made under the Constitution or under the ICCPR except in accordance with the provisions thereof and only with the approval of the Presidency and the National Legislature, as required by Section 2.3.14 herein;

(c) These human rights and fundamental freedoms shall be monitored by the Human Rights Commission specified in paragraph 2.10.1.2 herein.

Page 23; CHAPTER II: POWER SHARING; PART II; 2. Institutions At The National Level

2.4 National Capital

[...]

2.4.5 Without prejudice to the competency of any National Institution to promulgate laws, Judges and law enforcement agents shall, in dispensing justice and enforcing current laws in the National Capital be guided by the following:

[...]

2.4.5.2 Behavior based on cultural practices and traditions which does not disturb public order, is not disdainful of other traditions, and not in flagrant disregard of the law or disturbing public order shall be deemed in the eyes of the law as an exercise of personal freedoms;

2.4.5.3 Personal privacy is inviolable and evidence obtained in violation of such privacy shall not be admissible in the court of law;

Page 47; CHAPTER III: WEALTH SHARING; 1. Guiding Principles in Respect of an Equitable Sharing of Common Wealth

1.4 The sharing and allocation of wealth emanating from the resources of the Sudan shall ensure that the quality of life, dignity and living conditions of all the citizens are promoted without discrimination on grounds of gender, race, religion, political affiliation, ethnicity, language, or region. The sharing and allocation of this wealth shall be based on the premise that all parts of Sudan are entitled to development.

Page 121; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART III: Demobilization, Disarmament, Re-Integration and Reconciliation; 27. Humanitarian and General Provisions

27.3. Humanitarian law and civil and political rights shall be closely observed.

Page 17; CHAPTER II: POWER SHARING; PART I; 1. General Principles; 1.6 Human Rights and Fundamental Freedoms

1.6.2 The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following:-

[...]

1.6.2.16 Equal Rights of Men and Women

(a) The equal right of men and women to the enjoyment of all civil and political rights set forth in the International Covenant on Civil and Political Rights and all economic, social, and cultural rights set forth in the International Covenant on Economic, Social and Cultural Rights shall be ensured;

Page 23; CHAPTER II: POWER SHARING; PART II; 2. Institutions At The National Level

2.4 National Capital

tj_esc

Economic, Social & Cultural Rights

2.4.5 Without prejudice to the competency of any National Institution to promulgate laws, Judges and law enforcement agents shall, in dispensing justice and enforcing current laws in the National Capital be guided by the following:

[...]

2.4.5.2 Behavior based on cultural practices and traditions which does not disturb public order, is not disdainful of other traditions, and not in flagrant disregard of the law or disturbing public order shall be deemed in the eyes of the law as an exercise of personal freedoms;

Page 47; CHAPTER III: WEALTH SHARING; 1. Guiding Principles in Respect of an Equitable Sharing of Common Wealth

1.4 The sharing and allocation of wealth emanating from the resources of the Sudan shall ensure that the quality of life, dignity and living conditions of all the citizens are promoted without discrimination on grounds of gender, race, religion, political affiliation, ethnicity, language, or region. The sharing and allocation of this wealth shall be based on the premise that all parts of Sudan are entitled to development.

Page 51-53; CHAPTER III: WEALTH SHARING; 3. Oil Resources

A. Guiding Principles for the management and development of the petroleum sector

3.1 The Parties agree that the basis for an agreed and definitive framework for the management of the development of the petroleum sector during the Interim Period shall include the following:

[...]

3.1.6 Persons enjoying rights in land are entitled to compensation on just terms arising from acquisition or development of land for the extraction of subterranean natural resources from the area in respect of which they have rights.

B. National Petroleum Commission (NPC)

3.5 In performing the functions referred to in paragraph 3.4 above, the NPC shall take into account relevant considerations, including the following:

[...]

3.5.3 If the NPC decides to approve the contract, persons holding rights in land who are aggrieved by the decision shall seek relief through arbitration or in a court of law.

Page 41; CHAPTER II: POWER SHARING; PART V: Schedules; Schedule B: Powers of The Government of Southern Sudan

The exclusive legislative and executive powers of the Government of Southern Sudan shall be:

[...]

18. Rehabilitation and benefits to disabled war veterans, orphans, widows and care for the dependents of deceased war fallen heroes;

Page 49-50; CHAPTER III WEALTH SHARING; 2. Ownership of Land and Natural Resources

2.6 Without prejudice to the jurisdiction of courts, there shall be established a National Land Commission that shall have the following functions:

[...]

2.6.7 Assess appropriate land compensation, which need not be limited to monetary compensation, for applicants in the course of arbitration or in the course of a reference from a court.

2.7 In accordance with this Agreement and without prejudice to the jurisdiction of courts, there shall be established a Southern Sudan Land Commission which shall have the following functions:

[...]

tj_vic

Victims &
Reparations

2.7.7 Assess appropriate land compensation, which need not be limited to monetary compensation, for applicants in the course of arbitration or in the course of a reference from a court.

Page 53-54; CHAPTER III: WEALTH SHARING; 4. Existing Oil Contracts

4.5 Persons whose rights have been violated by oil contracts are entitled to compensation. On the establishment of these violations through due legal process the Parties to the oil contracts shall be liable to compensate the affected persons to the extent of the damage caused.

Page 79; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES; 9. State Land Commission

9.6. The State Land Commission shall be competent to review existing land leases and contracts and examine the criteria for the present land allocations and recommend to the State authority the introduction of such necessary changes, including restitution of land rights or compensation.

Page 94; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART I: The Ceasefire Arrangements; 1. General and Fundamental Provisions

1.10. The Parties shall commit themselves to render and facilitate humanitarian assistance through creation of conditions conducive to the provision of urgent humanitarian assistance to displaced persons, refugees and other affected persons and their right to return;

Page 119; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART III: Demobilization, Disarmament, Re-Integration and Reconciliation; 24. Guiding Principles

24.10. The identification and registration within six months from the signature of the Comprehensive Peace Agreement of all children separated from their families for family tracing and ultimate reunification;

Page 2; CHAPTER I: THE MACHAKOS PROTOCOL; PART A: Agreed Principles

1.5 That the people of the Sudan share a common heritage and aspirations and accordingly agree to work together to:

[...]

1.5.4. Formulate a repatriation, resettlement, rehabilitation, reconstruction and development plan to address the needs of those areas affected by the war and redress the historical imbalances of development and resources allocation.

Page 14; CHAPTER II: POWER SHARING; PART I; 1. General Principles; 1.6 Human Rights and Fundamental Freedoms

1.6.1 The Republic of the Sudan, including all levels of Government throughout the country, shall comply fully with its obligations under the international human rights treaties to which it is or becomes a party. These include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Slavery Convention of 1926, as amended, and the related Supplementary Convention, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the International Convention Against Apartheid in Sports, the Convention Relating to the Status of Refugees and the Related Protocol, and the African Charter on Human and People's Rights. The Republic of the Sudan should endeavor to ratify other human rights treaties which it has signed.

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Refugees &
Internally Displaced
Persons

Page 18; CHAPTER II: POWER SHARING; PART I; 1. General Principles;

1.8 Population Census, Elections and Representation:

[...]

1.8.5 Certain considerations, while not conditional upon their completion, should be taken into account with respect to the timing of the elections (including, inter alia, resettlement, rehabilitation, reconstruction, repatriation, building of structures and institutions, and consolidation of the Peace Agreement);

Page 23; CHAPTER II: POWER SHARING; PART II; 2. Institutions At The National Level

2.4 National Capital

2.4.5 Without prejudice to the competency of any National Institution to promulgate laws, Judges and law enforcement agents shall, in dispensing justice and enforcing current laws in the National Capital be guided by the following:

[...]

2.4.5.5 Leniency and granting the accused the benefit of doubt are legal principles of universal application, especially in the circumstances of a poor society like the Sudan, which is just emerging from war, characterized by prevalent poverty and subject to massive displacement of people.

Page 43; CHAPTER II: POWER-SHARING; PART V: Schedules; Schedule D: Concurrent Powers

The National Government, the Government of Southern Sudan and State Governments, shall have legislative and executive competencies on any of the matters listed below during the Interim Period:-

[...]

18. Relief, Repatriation, Resettlement, Rehabilitation and Reconstruction;

[...]

26. Mother, Child protection and care;

Page 61; CHAPTER III: WEALTH SHARING; 15. Reconstruction and Development Funds

A. Southern Sudan Reconstruction and Development Fund (SSRDF)

15.1. There shall be established a Southern Sudan Reconstruction and Development Fund (SSRDF) to solicit, raise and collect funds from domestic and international donors and disburse such funds for the reconstruction and rehabilitation of the infrastructure of the South, for the resettlement and reintegration of internally and externally displaced persons, and to address past imbalances in regional development and infrastructure.

[...]

Page 67; CHAPTER IV: THE RESOLUTION OF THE ABYEI CONFLICT; 3. Financial Resources

3.3 There shall be established, under the Executive Council, Abyei Resettlement, Construction and Development Fund to handle relief, repatriation, resettlement, reintegration, rehabilitation and reconstruction programmes in the Area. The Fund may establish specialized agencies.

3.4 The National Government shall appeal to the international and donor community to facilitate the return and resettlement of the residents of Abyei Area.

Page 82; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES; Schedule (B): Concurrent Powers

The National and State Governments shall have concurrent Legislative and Executive competencies on any of the matters listed below:

[...]

16. Relief, repatriation, resettlement, rehabilitation and reconstruction;

Page 94; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART I: The Ceasefire Arrangements; 1. General and Fundamental Provisions

1.10. The Parties shall commit themselves to render and facilitate humanitarian assistance through creation of conditions conducive to the provision of urgent humanitarian assistance to displaced persons, refugees and other affected persons and their right to return;

Page 98; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART I: The Ceasefire Arrangements; 8. Disengagement

8.6. To safeguard against the menace and hazards posed by landmines and unexploded ordnance, the Parties agree that:

[...]

8.6.4. The Parties shall conduct de-mining activities as soon as possible, and in coordination with the UN Peace Support Mission with a view to create the conditions necessary for deployment of the UN Peace Support Mission and the return of displaced populations;

Page 116; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART II: The Armed Forces, 22. Policing Issues and Domestic Security

22.1. In order to facilitate the removal and withdrawal of the military and paramilitary forces from areas where they were previously located and in order to return societal order and harmony, in accordance with the law, in compliance with national and international acceptable standards and with accountability to the Courts and civil Administration, the police at the appropriate level during the ceasefire shall:

[...]

22.1.4. Assist returning refugees, the displaced and other returnees to start a normal, stable and safe life in their respective communities;

tj_tru

Truth &
Reconciliation
Commission

Page 17; CHAPTER II: POWER SHARING; PART I; 1. General Principles; 1.7 Reconciliation

The Parties agree to initiate a comprehensive process of national reconciliation and healing throughout the country as part of the peace building process. Its mechanisms and forms shall be worked out by the Government of National Unity.

tj_rec

Reconciliation

Page 25; CHAPTER II: POWER SHARING; PART II; 2. Institutions At The National Level

2.5. The Government of National Unity

[...]

2.5.9. The Government of National Unity shall implement an information campaign throughout Sudan in all national languages in Sudan to popularize the Peace Agreement, and to foster national unity, reconciliation and mutual understanding.

Page 68-69; CHAPTER IV: THE RESOLUTION OF THE ABYEI CONFLICT

4. Public Participation

4.3 The Abyei Area Council shall:

[...]

4.3.5 Participate in the promotion of reconciliation efforts in the Area.

9. Reconciliation Process

Upon signing the Comprehensive Peace Agreement, the Presidency shall, as a matter of urgency, start peace and reconciliation process for Abyei that shall work for harmony and peaceful co-existence in the Area.

Page 93; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; Preamble

REITERATE their commitment to the final, just and comprehensive peace settlement, the security, welfare and stability of the Sudanese people within the framework of a true and sincere national reconciliation;

Page 94; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART I: The Ceasefire Arrangements; 1. General and Fundamental Provisions

1.8. The Parties shall commit themselves to immediate release of prisoners of war (POWs) and as a gesture of national reconciliation release any other persons detained as a result of the war upon the endorsement of the Comprehensive Peace Agreement;

Page 95; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART I: The Ceasefire Arrangements; 5. Principles of the Ceasefire

5.1. The Parties agree to a permanent ceasefire among all their forces with the broader objective of sustaining the comprehensive peace agreement, promoting peace culture, reconciliation and confidence building;

Page 118; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART III: Demobilization, Disarmament, Re-Integration and Reconciliation

23. Objectives

[...]

23.2. The DDR programme shall take place within a comprehensive process of national reconciliation and healing throughout the country as part of the peace and confidence building measures.

Page 121; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART III: Demobilization, Disarmament, Re-Integration and Reconciliation; 27. Humanitarian and General Provisions

27.2. The Parties agree that the issue of the release of all civil political detainees as part of the confidence building measures, national healing and reconciliation process shall be discussed on and dealt with within the discussions on the implementation modalities.

27.5. The Parties shall call upon the governments at all levels, civil societal organizations, political forces, national NGOs and international community to assist and facilitate the reconciliation process at grass root levels.

Page 5; CHAPTER I: THE MACHAKOS PROTOCOL; State and Religion

6.2. There shall be freedom of belief, worship and conscience for followers of all religions or beliefs or customs and no one shall be discriminated against on such grounds.

Page 17; CHAPTER II: POWER SHARING; PART I; 1. General Principles; 1.6 Human Rights and Fundamental Freedoms

1.6.1 The Republic of the Sudan, including all levels of Government throughout the country, shall comply fully with its obligations under the international human rights treaties to which it is or becomes a party. These include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Slavery Convention of 1926, as amended, and the related Supplementary Convention, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the International Convention Against Apartheid in Sports, the Convention Relating to the Status of Refugees and the Related Protocol, and the African Charter on Human and People's Rights. The Republic of the Sudan should endeavor to ratify other human rights treaties which it has signed.

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following:
[...]

tj_pro

Protection Measures

1.6.2.6 Privacy

No one shall be subjected to arbitrary or unlawful interference with his/her privacy, family, home or correspondence;

1.6.2.10 Family and Marriage

(a) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State;

(b) The right of men and women of marriageable age to marry and to found a family shall be recognized, according to their respective family laws.

1.6.2.13 Freedom from Discrimination

The law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

1.6.2.15 The Rights of Children

Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his/her status as a minor;

Page 23-25; CHAPTER II: POWER SHARING; PART II; 2. Institutions At The National Level; 2.6 Civil Service

2.4 National Capital

[...]

2.4.4 Law enforcement agencies of the Capital shall be representative of the population of Sudan and shall be adequately trained and made sensitive to the cultural, religious and social diversity of all Sudanese.

2.6.1 The Government of National Unity shall also ensure that the National Civil Service, notably at the senior and middle-levels, is representative of the people of Sudan. In so doing, the following principles shall be recognized: [...]

2.6.1.4 No level of government shall discriminate against any qualified Sudanese citizen on the basis of religion, ethnicity, region, gender, or political beliefs;

2.8 Language

[...]

2.8.1 All the indigenous languages are national languages which shall be respected, developed and promoted.

**Page 41; CHAPTER II: POWER SHARING; PART V: Schedules;
Schedule B: Powers of The Government of Southern Sudan**

The exclusive legislative and executive powers of the Government of Southern Sudan shall be:

[...]

18. Rehabilitation and benefits to disabled war veterans, orphans, widows and care for the dependents of deceased war fallen heroes;

Page 43; PART V: Schedules; Schedule D: Concurrent Powers

The National Government, the Government of Southern Sudan and State Governments, shall have legislative and executive competencies on any of the matters listed below during the Interim Period:

[...]

26. Mother, Child protection and care;

**Page 47; CHAPTER III: WEALTH SHARING; 1. Guiding Principles in
Respect of an Equitable Sharing of Common Wealth**

1.4 The sharing and allocation of wealth emanating from the resources of the Sudan shall ensure that the quality of life, dignity and living conditions of all the citizens are promoted without discrimination on grounds of gender, race, religion, political affiliation, ethnicity, language, or region. The sharing and allocation of this wealth shall be based on the premise that all parts of Sudan are entitled to development.

**Page 82; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN
SOUTHERN KORDOFAN AND BLUE NILE STATES; Schedule (B):
Concurrent Powers**

The National and State Governments shall have concurrent Legislative and Executive competencies on any of the matters listed below:

[...]

23. Women welfare and child protection and care;

[...]

25. Rehabilitation and care for disabled war veterans, orphans, widows and their dependants.

**Page 111; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY
ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES;
PART II: The Armed Forces; 19. Optimal Size of the Armed Forces**

After the Completion of SAF redeployment to the North the parties shall begin the negotiations on proportionate downsizing. Nonetheless, the parties shall allow voluntary demobilization, demobilization of nonessentials (child soldiers and elderly, disabled) during the first year of interim period.

Page 119; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART III: Demobilization, Disarmament, Re-Integration and Reconciliation; 24. Guiding Principles

24.9. The demobilization of all child soldiers within six months of the signature of the Comprehensive Peace Agreement.

24.10. The identification and registration within six months from the signature of the Comprehensive Peace Agreement of all children separated from their families for family tracing and ultimate reunification;

24.11. UNICEF, ICRC and other international organizations are called upon to assist in the child component of the DDR in the Sudan;

Page 3-6; CHAPTER I: THE MACHAKOS PROTOCOL

PART B: The Transition Process

2.1. During the Pre-Interim Period:

[...]

f) A Constitutional Framework for the Peace Agreement and the institutions referred to in 2.1. (a) shall be established.

State and Religion

6.5. The Parties agree to respect the following Rights:

[...]

6.6. The Principles enumerated in Section 6.1. through 6.5. shall be reflected in the Constitution.

PART C: Structures of Government

To give effect to the agreements set out in Part A, the Parties, within a framework of a unified Sudan which recognizes the right to self-determination for the people of Southern Sudan, hereby agree that with respect to the division of powers and the structures and functions of the different organs of government, the political framework of governance in the Sudan shall be structured as follows:

3.1 Supreme Law

3.1.1 The National Constitution of the Sudan shall be the Supreme Law of the land All laws must comply with the National Constitution. This Constitution shall regulate the relations and allocate the powers and functions between the different levels of government as well as prescribe the wealth sharing arrangements between the same. The National Constitution shall guarantee freedom of belief, worship and religious practice in full to all Sudanese citizens.

3.1.2 A representative National Constitutional Review Commission (NCRC) shall be established during the Pre-Transition Period which shall have as its first task the drafting of a Legal and Constitutional Framework to govern the Interim Period and which incorporates the Peace Agreement.

3.1.3 The Framework mentioned above shall be adopted as shall be agreed upon by the Parties.

3.1.4 During the Interim Period an inclusive Constitutional Review Process shall be undertaken.

3.1.5 The Constitution shall not be amended or repealed except by way of special procedures and qualified majorities in order that the provisions of the Peace Agreement are protected.

Page 13-17; CHAPTER II: POWER SHARING; PART I; 1. General Principles

1.5 Principles of Administration and Inter-Governmental Linkages

tr_con

Constitutional
Reform

1.5.1 In the administration of the Government of National Unity, the following provisions shall be respected:

1.5.1.2 The Interim National Constitution, being the legal and constitutional framework text adopted as contemplated in paragraph 2.12.6 herein, shall be the Supreme Law of the land and the Southern Sudan Constitution, state constitutions, and the laws of all levels of government must comply with it;

1.5.1.3 The linkage between the National Government and the states in the Southern Sudan shall be through the Government of Southern Sudan, subject to paragraph 1.5.1.4 below, and as provided for in the Interim National Constitution and the Southern Sudan Constitution;

1.5.1.4 In their relationships with each other or with other government organs, all levels of government and particularly National, Southern Sudan, and State Governments shall:

(b) Collaborate rather than compete, in the task of governing and assist each other in fulfilling each others' constitutional obligations;

(c) Perform their functions and exercise their powers so as:

[...]

ii) Not to assume another level's powers or functions conferred upon it by the Constitution;

1.6 Human Rights and Fundamental Freedoms

1.6.2 The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following:-

[...]

1.6.2.16 Equal Rights of Men and Women

[...]

(b) The human rights and fundamental freedoms embodied in the International Covenant on Civil and Political Rights (ICCPR) shall also be reflected in the Interim National Constitution. No derogation from these rights and freedoms shall be made under the Constitution or under the ICCPR except in accordance with the provisions thereof and only with the approval of the Presidency and the National Legislature, as required by Section 2.3.14 herein;

[...]

Page 19-31; CHAPTER II: POWER SHARING; PART II; 2. Institutions at the National Level

2.2 The National Legislature

2.2.1 There shall be a bicameral National Legislature comprised of-

2.2.1.1 A National Assembly; and

2.2.1.2 A Council of States.

2.2.3 The National Legislature shall be structured and operate as follows:-

[...]

2.2.3.3 Free and fair elections for the National Assembly shall be conducted in accordance with the Interim National Constitution governing the Interim Period. The date shall be determined by the Parties signatory to this Agreement, after consulting-with the Electoral Commission.

2.2.7 Amendments to the National Constitution shall require:-

2.2.7.1 The approval of three-quarters, (75%) of all the members of each chamber, both chambers sitting separately, and only after introduction of the draft amendment at least two (2) months prior to debate;

2.2.7.2 Amendments to the Interim National Constitution affecting the provisions of the Peace Agreement may be introduced only with the approval of both Parties signatory to this Agreement;

2.2.7.3 A sixty-six and two-thirds percent (66.6%) majority in the Council of States is required to pass legislation that affects the interests of the states and a simple majority vote of both chambers is required to pass all other legislation.

2.4 National Capital

2.4.3 Human rights and fundamental freedoms as specified in the 'Machakos Protocol, and in the Agreement herein, including respect for all religions, beliefs and customs, shall be guaranteed and enforced in the National Capital, as well as throughout the whole of Sudan, and shall be enshrined in the Interim National Constitution.

2.5. The Government of National Unity

[...]

2.5.2 The Presidency and Council of Ministers shall exercise the Executive powers and competencies in respect of the matters in Schedules A and D, read together with Schedules E and F, and as conferred upon it by this Agreement and the Interim National Constitution.

2.10 Other Independent and/or National Institutions to be Established in Accordance with the Peace Agreement

2.10.1 The National Constitutional Review Commission, as detailed in Section 2.12 herein, shall also detail the mandate and provide for the appointment and other mechanisms to ensure the independence of the following institutions:-
[...]

2.12 Constitutional Review Process

2.12.2 Upon signature, the Parties shall be bound by the Agreement and shall assume the obligations arising therefrom, more especially the obligations to implement the Agreement and to give legal and constitutional effect to the arrangements agreed therein.

2.12.3 Upon signature the Parties commit themselves to ensure that all the organs, committees and structures under their control, including their members, shall observe the terms of the Agreement.

2.12.4 After the Agreement has been signed:-

2.12.4.1 The text thereof shall be forwarded to the National Assembly and the SPLM National Liberation Council for approval as is;

2.12.4.2 A representative National Constitutional Review Commission shall be established, as is more fully described below, which shall within six (6) weeks of receipt of the Agreement prepare a Legal and Constitutional Framework ("The Constitutional Text");

2.12.4.3 The National Constitutional Review Commission shall be comprised of the NCP, SPLM and representatives of such other political forces and civil society as agreed by the Parties. Such composition shall be reflected in the final Peace Agreement.

2.12.5 The National Constitutional Review Commission shall have as its first task the preparation of a Legal and Constitutional Framework text in the constitutionally appropriate form, based on the Peace Agreement and the current Sudan Constitution, for adoption by the National Assembly. The same text shall be presented to the SPLM National Liberation Council for adoption. In the event of a contradiction, the terms of the Peace Agreement shall prevail in so far as that contradiction exists.

2.12.6 Without prejudice to the provisions of 2.12.5 above, the National Constitutional Review Commission in the preparation of the Legal and Constitutional Framework Text, shall draw upon relevant experiences and documents as may be presented by the Parties.

2.12.7 Upon adoption by the National Assembly and the SPLM National Liberation Council, the Constitutional Text shall become the Interim National Constitution for the Sudan during the Interim Period.

2.12.8 Pending the adoption of the Constitutional Text, the Parties agree that the legal status quo in their respective areas shall remain in force.

2.12.9 The National Constitutional Review Commission shall also be required to prepare such other legal instruments as is required to give effect to the Peace Agreement. It shall provide in such draft statutes or in the Constitutional

Text for the appointment and other mechanisms to ensure the independence of such National Institutions as are referred to in Section 2.10 herein.

2.12.10 Without prejudice to the provisions of the Peace Agreement, as a subsequent task and during the course of the six-year Interim. Period, the national Constitutional Review Commission shall be responsible for organizing an inclusive Constitutional Review Process. The process must provide for political inclusiveness and public participation.

2.12.11 Without prejudice to the functions of the State Legislatures, the National Constitutional Review Commission shall prepare model Constitutions for the States, subject to compliance with the National Constitution, and, as relevant, the Constitution of Southern Sudan.

2.12.12 The National Ministry of Justice shall, with the assistance of concerned attorneys, declare the compatibility of the constitution of Southern Sudan with the Interim National Constitution, and also declare the compatibility of the constitutions of the States with the Interim National Constitution and, as appropriate, with the constitution of Southern Sudan. Upon such declaration, the same constitutions shall be signed by the head of the appropriate level of government.

Page 32-34; CHAPTER II: POWER SHARING; PART III; 3. Government of Southern Sudan

3.2 The Government of Southern Sudan shall function in accordance with a Southern Sudan Constitution, which shall be drafted by an inclusive Southern Sudan Constitutional Drafting Committee and adopted by the Transitional Assembly of Southern Sudan by a two-thirds majority of all members. It shall conform with the Interim National Constitution.

3.3 The powers of the Government of Southern Sudan shall be as set forth in Schedules B and D, read together with Schedules E and F, the Interim National Constitution, Southern Sudan Constitution, and the Peace Agreement.

3.5 Legislature of Southern Sudan

[...]

3.5.3 When enacting the Constitution of Southern Sudan, the Assembly of Southern Sudan shall be empowered to assign such powers as set forth in Schedules B and D, read together with Schedules E and F, to the Government of Southern Sudan.

3.5.4 The Southern Sudan Constitution shall make provision for the Assembly of Southern Sudan to be re-constituted through elections in accordance with the provisions herein related to the timing of general elections. The Constitution of the Southern Sudan shall also make provision for the election of the President and appointment of the Vice President of the Government of Southern Sudan. Such elections shall be in accordance with the provisions set forth by the National Electoral Commission specified in sub-paragraph 2.10.1.1 herein.

3.5.5 The Assembly of Southern Sudan may amend the Constitution of the Southern Sudan by a two-thirds ((2/3)) majority vote of all members.

[...]

3.6 The Southern Sudan Executive

3.6.5 The Government of Southern Sudan shall discharge its obligations and exercise such rights and powers in regard to administration, security, financial, and development issues as is set forth in the Southern Sudan Constitution, the Interim National Constitution, the Peace Agreement and any other agreement relating to the reconstruction and development of the Southern Sudan.

Page 36-38; CHAPTER II: POWER SHARING; PART IV; 4. Institutions at the State level

4.2 There shall be legislative, executive, and judicial institutions at state level which shall function in accordance with this Agreement, the Interim National

Constitution and, in respect of the states of Southern Sudan, also with the Constitution of Southern Sudan.

4.4 The State Legislature

4.4.4 The state legislatures shall prepare and adopt state constitutions provided that they are in conformity with the National Constitution, the Peace Agreement, and for Southern States, also in conformity with the Constitution of Southern Sudan.

4.4.5. The State Legislature shall have law-making competency in respect of the functional areas listed in Schedules C and D, read together with Schedules E and F.

[...]

4.5 The State Executive

4.5.4 The Governor shall, together with the States' Council of Ministers appointed by him/her, exercise the executive powers of the state which shall be in respect of the functional areas listed in Schedules C and D, read together with Schedules E and F, and such other executive competencies as are conferred upon the State by the Interim National Constitution, the Southern Sudan Constitutions, the State Constitutions, and the Peace Agreement.

4.6 State Judicial Institutions

4.6.5 The structures and powers of the Courts of the States of Southern Sudan shall be subject to the provisions of this Agreement and the Constitution of Southern Sudan.

Page 39-44; CHAPTER II: POWER SHARING; PART V: SCHEDULES

Schedule A: National Powers Exclusive competencies (Legislative and Executive Powers) of the National Government

[...]

Schedule B: Powers of the Government of Southern Sudan

The exclusive legislative and executive powers of the Government of Southern Sudan shall be:

1. The adoption and amendment of the Constitution of the Government of Southern Sudan (subject to compliance with the Interim National Constitution);

[...]

Schedule C: Powers of States

Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out hereunder:-

1. The Constitution of the State, subject to compliance with the National Constitution, and, as relevant, the Constitution of Southern Sudan;

[...]

Schedule D: Concurrent Powers

The National Government, the Government of Southern Sudan and State Governments, shall have legislative and executive competencies on any of the matters listed below during the Interim Period:-

[...]

Schedule E: Residual Powers

[...]

Schedule F: Resolution of Conflicts in Respect of Concurrent Powers

[...]

Page 73-77; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES

1. General Principles

The Parties agree on the following, as the basis for political, administrative, economic and social solution to the conflict in Southern Kordofan/Nuba Mountains and Blue Nile:

1.1. Human rights and fundamental freedoms shall be guaranteed to all individuals in the State as prescribed in the Interim National Constitution;

5. The State Executive

5.2. The Governor shall appoint the ministers and the commissioners of the state in accordance with the State Interim Constitution. The State Council of Ministers shall be representative.

5.3. The Governor shall, together with the State Council of Ministers, exercise the Executive Powers of the State which shall be in respect of the functional areas listed in Schedules A and B, read together with Schedule C, attached hereto, and in accordance with the State Interim Constitution.

6. The State Legislature

6.2 The State Legislature shall prepare and adopt the State Constitution, provided that it shall conform to the Interim National Constitution.

[...]

6.4 The State Legislature shall legislate for the state within its legislative powers as stipulated in schedule (A) attached herewith.

7. The State Courts

7.1. The structures and powers of the courts of the States shall be subject to the Interim National Constitution.

7.2. The State Constitution shall provide for the establishment of such state courts as are necessary.

7.3. The State Legislature shall provide for the appointment and dismissal of state appointed judges, subject to the State Constitution and the approval of the National Judicial Service Commission.

8. The State Share in the National Wealth

8.1. The National wealth shall be shared equitably between different levels of Government so as to allow enough resources for each level of Government to exercise its constitutional competencies.

Page 81-83; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES; Schedules

Schedule (A): The Exclusive Executive and Legislative Competencies of the Two States: -

1. The drafting, adoption and amendment of the Constitution of the state, subject to conformity with the Interim National Constitution;

[...]

Schedule (B): Concurrent Powers

The National and State Governments shall have concurrent Legislative and Executive competencies on any of the matters listed below:-

[...]

Schedule (C): Residual Powers

The residual powers shall be exercised in accordance with its nature and as to whether the power pertains to a national matter, requires a national standard or is a matter that cannot be regulated by a single state, in which case it shall be exercised by the National Government. If the power pertains to a state matter, it shall be exercised by the state.

[...]

Page 108; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART II: The Armed Forces; 16. Military Mission and Mandate

16.5. The involvement of the Armed Forces as defined in sub-section 16.4 above, in constitutionally specified emergencies, shall be determined in the Interim Constitution.

Page 6-7; CHAPTER I: THE MACHAKOS PROTOCOL; PART C: Structures of Government

To give effect to the agreements set out in Part A, the Parties, within a framework of a unified Sudan which recognizes the right to self-determination for the people of Southern Sudan, hereby agree that with respect to the division of powers and the structures and functions of the different organs of government, the political framework of governance in the Sudan shall be structured as follows:

[...]

3.2 National Government

[...]

3.2.2 Nationally enacted legislation having effect only in respect of the states outside Southern Sudan shall have as its source of legislation Sharia and the consensus of the people.

3.2.3 Nationally enacted legislation applicable to the Southern States and/or the Southern Region shall have as its source of legislation popular consensus, the values and the customs of the people of Sudan (including their traditions and religious beliefs, having regard to Sudan's diversity).

3.2.4 Where national legislation is currently in operation or is enacted and its source is religious or customary law, then a state or region, the majority of whose residents do not practice such religion or customs may:

[...]

(i) Either introduce legislation so as to allow or provide for institutions or practices in that region consistent with their religion or customs, or

(ii) Refer the law to the Council of States for it to approve by two-thirds (2/3) majority or initiate national legislation which will provide for such necessary alternative institutions as is appropriate.

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Page 19-21; CHAPTER II: POWER SHARING; PART II; 2. Institutions at the National Level; 2.2. The National Legislature:

2.2.1 There shall be a bicameral National Legislature comprised of:-

2.2.1.1 A National Assembly; and

2.2.1.2 A Council of States.

2.2.2. In the establishment of the National Legislature, the following principles shall apply:-

2.2.2.1. There shall be equitable representation of the people of South Sudan in both legislative chambers; and

2.2.2.2. Relevant considerations shall be taken into account in determining what constitutes equitable representation.

2.2.3 The National Legislature shall be structured and operate as follows:-

2.2.3.1 The National Assembly shall be elected in accordance with the procedures set forth by an impartial. and representative Electoral Commission and in accordance with fair electoral laws;

2.2.3.2 There shall be a Council of States comprised of two representatives from each state;

2.2.3.3 Free and fair elections for the National Assembly shall be conducted in accordance with the Interim National Constitution governing the Interim

Period. The date shall be determined by the Parties signatory to this Agreement, after consulting with the Electoral Commission.

2.2.4 Pending the elections referred to above, the National Assembly shall consist of such members representing the Parties to the Agreement, and other forces in the North and South so as to promote inclusiveness and stability, in such proportions to be determined by the parties prior to the conclusion of the Peace Agreement.

2.2.5 Prior to the Parliamentary elections, the seats of the National Assembly shall be allocated as follows:

- (a) The National Congress Party (NCP) shall be represented by Fifty-Two Percent (52%);
- (b) Sudan People's Liberation Movement (SPLM) shall be represented by Twenty- Eight Percent (28%);
- (c) Other Northern political forces shall be represented by Fourteen Percent (14%);
- (d) Other Southern political forces shall be represented by Six Percent (6%);

2.2.6 Both Chambers of the National Legislature shall approve the allocation of resources and revenues, in accordance with the agreement of Wealth Sharing. The National Assembly shall approve the annual National budget.

2.2.7 Amendments to the National Constitution shall require:-

2.2.7.1 The approval of three-quarters. (75%) of all the members of each chamber, both chambers sitting separately, and only after introduction of the draft amendment at least two (2) months prior to debate;

2.2.7.2 Amendments to the Interim National Constitution affecting the provisions of the Peace Agreement may be introduced only with the approval of both Parties signatory to this Agreement;

2.2.7.3 A sixty-six and two-thirds percent (66.6%) majority in the Council of States is required to pass legislation that affects the interests of the states and a simple majority vote of both chambers is required to pass all other legislation.

2.2.8 Any bill duly approved by the National Legislature shall be signed into law by the President within thirty (30) days, failing which it shall be deemed to have been so signed. Where the President withholds his/her signature, he/she must present reasons for his/her refusal to so sign when re-introducing the bill to the National Legislature within the 30-day period stated herein. The Bill shall become law if the National Legislature again passes the bill by a two-thirds (2/3) majority of all the members of the respective house or houses and the assent of the President shall not be required.

2.2.9. The exclusive legislative powers of the National Legislature shall be in respect of the matters set forth in Schedule A, annexed hereto.

2.2.10 The concurrent legislative powers of the National Legislature shall be those matters as set forth in Schedule D, read together with Schedule F, annexed hereto.

2.2.11 The residual legislative powers shall be exercised in accordance with Schedule E annexed hereto.

2.2.12 Both chambers of the National Legislature shall elect their respective Speakers, Deputy Speakers and other officers at their first sitting. The two Parties shall be adequately represented in these offices.

2.2.13 Both Chambers of the National Legislature shall respectively determine their own rules, procedures, committees, and other matters of a similar nature.

Page 32-33; CHAPTER II: POWER SHARING; PART III; 3. Government of Southern Sudan

3.1 In respect of the Southern Sudan, there shall be a Government of Southern Sudan (GOSS), as per the borders of 1/1/56, which shall consist of:-

3.1.1 The Legislature of Southern Sudan;

3.1.2 The Executive of Southern Sudan;

3.1.3 The Judiciary of Southern Sudan;

3.5 Legislature of Southern Sudan

3.5.1 Pending the elections, the First Southern Sudan Assembly shall be an inclusive, constituent legislature comprised of:-

3.5.1.1 The SPLM shall be represented by Seventy Percent (70%);

3.5.1.2 The NCP shall be represented by Fifteen Percent (15%);

3.5.1.3 The other Southern political forces shall be represented by Fifteen Percent (15%).

3.5.2 The Southern Sudan Assembly shall, in accordance with the Constitution adopted by it, provide for the election of its Speaker and other office holders.

3.5.3 When enacting the Constitution of Southern Sudan, the Assembly of Southern Sudan shall be empowered to assign such powers as set forth in Schedules B and D, read together with Schedules E and F, to the Government of Southern Sudan.

3.5.4 The Southern Sudan Constitution shall make provision for the Assembly of Southern Sudan to be elected through elections in accordance with the

Page 36-37; CHAPTER II: POWER SHARING; PART IV; 4. Institutions at the State level

4.1 The Institutions at the State level shall consist of:-

4.1.1 The State Legislature;

4.1.2 The State Executive; and

4.1.3 The State Judiciary.

4.4 The State Legislature

4.4.1 There shall be a State Legislature comprised of members elected in accordance with the electoral provisions herein and as set forth by the National Electoral Commission referred to in sub-paragraph 2.10.1.1 herein.

4.4.2 Pending the elections referred to in sub-article 4.4.1 herein, the composition of the state legislatures shall be comprised as follows:

4.4.2.1. The NCP is to hold Seventy Percent (70%) in the Northern states, and the SPLM Seventy Percent (70%) in the Southern states;

4.4.2.2. The remaining Thirty Percent (30%) in the Northern and the Southern states shall be allocated as follows:-

(i) Ten Percent (10%) in the Southern states to be filled by the NCP;

(ii) Ten Percent (10%) in the Northern states to be filled by the SPLM; and

(iii) Twenty Percent (20%) in the Northern and Southern states to be filled by representatives of other Northern and Southern political forces respectively.

4.4.3. The elections referred to in sub-article 4.4.1. herein shall take place on the same date as the elections for the National Assembly referred to in Section 1.8.3.

4.4.4. The state legislatures shall prepare and adopt state constitutions provided that they are in conformity with the National Constitution, the Peace Agreement, and for Southern States, also in conformity with the Constitution of Southern Sudan.

4.4.5. The State Legislature shall have law-making competency in respect of the functional areas listed in Schedules C and D, read together with Schedules E and F.

4.4.6. Members of the State Legislature and the State Council of Ministers, including the Governor, shall have such immunities as are provided by law.

4.4.7. The State Legislature shall decide its own rules, procedures, and committees, and elect its Speaker and other officers.

Page 76; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES; 6. The State Legislature

6.1. Members of the State Legislature (SL) shall be elected by the registered voters of the State in accordance with the State Law and in conformity with the general guidelines as set forth by electoral provisions as set forth by the National Electoral Commission.

6.2. The State Legislature shall prepare and adopt the State Constitution, provided that it shall conform to the Interim National Constitution.

6.3. The Governor of the State shall sign any law duly approved by the State Legislature, failing which, after thirty (30) days it shall be deemed to have been signed into law, unless the Governor has submitted the law to the Constitutional Court for a ruling on its constitutionality. If the Constitutional Court finds the law constitutional, the Governor shall immediately sign such law.

6.4. The State Legislature shall legislate for the state within its legislative powers as stipulated in schedule (A) attached herewith.

6.5. State laws currently applicable in the State shall continue until new legislation is duly enacted by the SL within its competence.

6.6. The State Legislature shall decide its own rules, procedures, and committees, and elect its Speaker and other officers.

6.7. The State Legislature may relieve the Governor of the State of his/her functions by a motion supported by two-thirds of its membership.

6.8. Members of the State Legislature and the State Executive shall have such immunities as are provided by law.

Page 21-25; CHAPTER II: POWER SHARING; PART II; 2. Institutions at the National Level

2.3 The National Executive

2.3.1 The National Executive shall consist of the Presidency and a Council of Ministers.

2.3.2 There shall be established the Institution of the Presidency consisting of the President and two Vice Presidents.

2.3.3 The functions of the two Vice Presidents shall be clearly defined by the parties to this Agreement.

2.3.4 There shall be a partnership and collegial decision-making process within the Institution of the Presidency in order to safeguard the Peace Agreement.

2.3.5 Until such time as elections are held, the current incumbent President (or his successor) shall be the President and Commander-in-Chief of the Sudan Armed Forces (SAF). The current SPLM Chairman (or his successor) shall be the First Vice President and shall at the same time hold the posts of President of the Government of Southern Sudan (GOSS) and Commander-in-Chief of the Sudan People's Liberation Army (SPLA).

2.3.6 In respect of the following matters, the President shall take decisions with the consent of the First Vice President, namely:-

2.3.6.1 Declaration and termination of a state of emergency;

2.3.6.2 Declaration of war;

2.3.6.3 Appointments that the President is required to make according to the Peace Agreement, (to be specified); and

2.3.6.4 Summoning, adjourning, or proroguing the National Legislature.

2.3.7 The President shall be elected in national elections, the timing of which shall be subject to the agreement of the two parties. The President elect shall appoint two Vice Presidents, one from the South and the other from the North. If the President-elect is from the North, the position of the First Vice President shall be filled by the person who has been elected to the post of President of the Government of Southern Sudan, as the President's appointee to the said position. In the event that a person from the South wins the Presidential elections, the President-elect shall appoint the First Vice President from the

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North. All the other provisions in this Agreement relating to the presidency shall continue to apply.

2.3.8 Should the post of the President fall vacant, the functions of the President shall be assumed by a Presidential Council comprising of the Speaker of the National Assembly, the First Vice President and the Vice President.

2.3.8.1 The Speaker of the National Assembly shall be Chairperson of the Council in the period prior to elections, after elections the First Vice President shall be the chairperson of the Council;

2.3.8.2 The Presidential Council shall take its decision by consensus;

2.3.8.3 The Vice President shall be Commander-in-Chief of the Sudan Armed Forces (SAF).

2.3.9 Should the post of the President fall vacant in the period prior to elections, the Office of the President shall be filled by the nominee of the National Congress Party within two weeks.

2.3.10 Should the post of the President fall vacant in the period after the elections, the post shall be filled through presidential elections which shall be held within sixty (60) days.

2.3.11 Should the post of the First Vice President fall vacant:-

2.3.11.1 Prior to elections, the office of the First Vice President shall be filled by the nominee of the SPLM within two(2) weeks;

2.3.11.2 After the elections, the President shall appoint a First Vice President in accordance with the Interim National Constitution and the provisions of this Peace Agreement.

2.3.12 The President shall, within Thirty (30) days of the entry into force of the Peace Agreement, and in consultation with the First Vice President, establish a Council of Ministers, having due regard to the need for inclusiveness and diversity in the establishment of a Government of National Unity. The Cabinet Ministers shall be accountable to the President and the National Assembly in the performance of their functions and may be removed by a resolution supported by two-thirds (2/3) of all the members of the National Assembly.

2.3.13 The President, the First Vice President and the Vice President shall be members of the Council of Ministers.

2.3.14 The National Legislature shall be required to approve declarations of war or state of emergency, but in either event, there shall be no derogation from the provisions of the Peace Agreement, except as may be provided herein.

2.3.15 Any Executive Orders or other legal acts by the President of the Republic shall be discussed with, and adopted by the Council of Ministers.

2.5. The Government of National Unity

2.5.1 During the Interim Period, there shall be a Government of National Unity reflecting the need for inclusiveness, the promotion of national unity, and the defense of national sovereignty, and the respect and implementation of Peace Agreement.

2.5.2 The Presidency and Council of Ministers shall exercise the Executive powers and competencies in respect of the matters in Schedules A and D, read together with Schedules E and F, and as conferred upon it by this Agreement and the Interim National Constitution.

2.5.3 Cabinet posts and portfolios in all clusters, including the National Sovereignty Ministries, shall be shared equitably and qualitatively by the two Parties. The Parties agree to cluster the National ministries under the implementation modalities.

2.5.4 Representation of the SPLM and other political forces from the South in each of the clusters shall be determined by the Parties Signatory to Agreement prior to the conclusion of the Peace Agreement.

2.5.5 Prior to elections, the seats of the National Executive shall be allocated as follows:-

- (a) The National Congress Party shall be represented by Fifty-Two Percent (52%);
- (b) Sudan People's Liberation Movement (SPLM) shall be represented by Twenty-Eight Percent (28%);
- (c) Other Northern political forces shall be represented by Fourteen Percent (14%);
- (d) Other Southern political forces shall be represented by Six Percent (6%);

2.5.6 The Government of National Unity shall be responsible for the administration and functioning of the State and the formulation and implementation of national policies accordance with the Interim National Constitution.

2.5.6 The Government of National Unity shall be responsible for establishing recruitment systems and admission policies to national universities, national institutes, and other institutions of higher education based on fair competition, giving equal opportunity to all citizens.

2.5.8 The Government of National Unity shall make decisions related to the ongoing or future activities of the organizations of the United Nations, bilateral, national, or international governmental and non-governmental organizations (NGOs), with a view toward ensuring equitable and transparent distribution of projects, activities, and employment of personnel in the whole of Sudan and especially the reconstruction of the war affected areas. There is to be an equivalent obligation on all levels of Government.

[...]

Page 33-34; CHAPTER II: POWER SHARING; PART III; 3. Government of Southern Sudan; 3.6 The Southern Sudan Executive

3.6.1 An Executive Council of Ministers appointed by the President of the Government of Southern Sudan, in consultation with his/her Vice President and approved by the Assembly of Southern Sudan, shall be established in accordance with the Southern Sudan Constitution. The Executive Council of Ministers shall be accountable to the President of the Government of Southern Sudan and the Southern Sudan Assembly in the performance of their functions and may be removed by a motion supported by two-thirds ((2/3)) of all the members of the Southern Sudan Assembly.

3.6.2 The Executive Authority of Southern Sudan shall establish such independent institutions as the Peace Agreement, the Interim National Constitution and the Southern Sudan Constitution Contemplate. It shall be empowered to establish such further commissions and institutions compatible with its powers as it deems necessary to promote the welfare of its people, good governance and justice.

3.6.3 The Government of Southern Sudan shall be established with due regard to the need for inclusiveness.

3.6.4 Prior to elections, the Government of Southern Sudan shall be allocated as follows:-

3.6.4.1 The SPLM shall be represented by Seventy Percent (70%);

3.6.4.2 The NCP shall be represented by Fifteen Percent (15%);

3.6.4.3 The other Southern political forces shall be represented by Fifteen Percent (15%).

3.6.5 The Government of Southern Sudan shall discharge its obligations and exercise such rights and powers in regard to administration, security, financial, and development issues as is set forth in the Southern Sudan Constitution, the Interim National Constitution, the Peace Agreement and any other agreement relating to the reconstruction and development of the Southern Sudan.

3.6.6 (a) Should the post of the President of GOSS fall vacant, and pending the nomination and swearing in of the new President, the functions of the President shall be assumed by the Vice President of GOSS;

(b) Should the post of the President of GOSS fall vacant in the period prior to elections, the Office of the President of GOSS shall be filled by a nominee of the SPLM within two (2) weeks;

(c) Should the post of the President fall vacant in the period after the elections, the post shall be filled through elections which shall be held within sixty (60) days.

Page 37-38; CHAPTER II: POWER SHARING; PART IV; 4. Institutions at the State level

4.5 The State Executive

4.5.1 Prior to elections the state executives shall be allocated as follows:-

4.5.1.1 The NCP is to hold Seventy Percent (70%) in the Northern states, and the SPLM Seventy Percent (70%) in the Southern states;

4.5.1.2 The remaining Thirty Percent (30%) in the Northern and the Southern states shall be allocated as follows:-

- (i) Ten Percent (10%) in the Southern states to be filled by the NCP;
- (ii) Ten Percent (10%) in the Northern states to be filled by the SPLM; and
- (iii) Twenty Percent (20%) in the Northern and Southern states to be filled by representatives of other Northern and Southern political forces, respectively.

4.5.2 As part of the Ten Percent (10%) share of the NCP in Southern states the two Parties agreed as follows:-

- (i) The Governor of one Southern State shall be a nominee of the NCP;
- (ii) One Deputy Governor in a different Southern State shall be a nominee of the NCP.

4.5.3 The States' Council of Ministers shall be appointed by the Governor in accordance with the State Constitution, having regard to the need for inclusiveness. The State Ministers shall be accountable to the Governor and the State Legislature in the performance of their functions and may be removed by the Governor on a motion supported by two-thirds (2/3) of all the members of the State Legislature

4.5.4 The Governor shall, together with the States' Council of Ministers appointed by him/her, exercise the executive powers of the state which shall be in respect of the functional areas listed in Schedules C and D, read together with Schedules E and F, and such other executive competencies as are conferred upon the State by the Interim National Constitution, the Southern Sudan Constitutions, the State Constitutions, and the Peace Agreement.

4.5.5 State Governors must sign any law duly approved by the State Legislature, failing which, after thirty (30) days it shall be deemed to have been signed into law by the State Governor. Where the State Governor withholds his/her signature, he/she must present reasons for his/her refusal to so sign when reintroducing the bill to the State Legislature within the 30-day period stated within. The Bill shall become law if the State Legislature again passes the bill by two-thirds ((2/3)) majority of all the members and the assent of the Governor shall not be required.

Page 39-44; CHAPTER II: POWER SHARING; PART V: Schedules

Schedule A: National Powers

Exclusive competencies (Legislative and Executive Powers) of the National Government
[...]

Schedule B: Powers of the Government of Southern Sudan

The exclusive legislative and executive powers of the Government of Southern Sudan shall be:
[...]

Schedule C: Powers of States

Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out hereunder:-
[...]

Schedule D: Concurrent Powers

The National Government, the Government of Southern Sudan and State Governments, shall have legislative and executive competencies on any of the matters listed below during the Interim Period:-
[...]

Schedule E: Residual Powers

[...]

Schedule F: Resolution of Conflicts in Respect of Concurrent Powers

[...]

Page 65-66; CHAPTER IV: THE RESOLUTION OF THE ABYEI CONFLICT

1. Principles of Agreement on Abyei

1.2 Interim Period

Upon signing the peace agreement, Abyei will be accorded special administrative status, in which:
[...]

1.2.2 Abyei will be administered by a local Executive Council, elected by the residents of Abyei. Pending the election of the Executive Council, its initial members will be appointed by the Presidency;

2. Administrative Structure

2.2 Abyei area shall be administered by a local Executive Council, elected by the residents of Abyei. Pending the election of the Executive Council, its initial members shall be appointed by the Presidency.

2.3 The administration of the Abyei Area shall be representative and inclusive of all the residents of the area.

2.4 The Executive Council shall be composed of the Chief Administrator, his/her Deputy and not more than five heads of departments. Prior to elections, the Chief Administrator and his/her Deputy shall be appointed by the Presidency. The Chief Administrator shall make recommendations to the Presidency regarding the appointments of the heads of departments.

2.5 The Executive Council, in exercise of its executive powers, shall:

2.5.1 render necessary services;

2.5.2 supervise and promote security and stability in the area;

2.5.3 Propose development and urbanization projects for the area to both the Abyei Area Council and to the Presidency;

2.5.4 Present to the National Government proposals regarding the provision of assistance to improve the lives of the peoples of Abyei, including urbanization and development;

2.6 The Presidency, upon the recommendation of the Executive Council, shall determine the executive, legislative and financial powers and competencies of the special status of Abyei Area, having regard to this protocol, other protocols, agreements, and the Comprehensive Peace Agreement.

Page 74-83; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES

4. Structure of the State Government

4.2 The State Executive, which shall comprise of:-

4.2.1 The State Governor;

4.2.2 The State Council of Ministers; and

4.2.3 Local Governments.

5. The State Executive

5.1 The Governor of the State shall be directly elected by the registered voters of the State in a public adult suffrage.

5.2 The Governor shall appoint the ministers and the commissioners of the state in accordance with the State Interim Constitution. The State Council of Ministers shall be representative.

5.3 The Governor shall, together with the State Council of Ministers, exercise the Executive Powers of the State which shall be in respect of the functional areas listed in Schedules A and B, read together with Schedule C, attached hereto, and in accordance with the State Interim Constitution.

5.4 The State Council of Ministers shall be accountable to the Governor and the State Legislature in the performance of their duties.

5.5 The State shall have commissioners and elected local councils. The organization and proper functioning of the Local Governments shall be the responsibility of the Government of the State.

5.6 There shall be State Security Committee to be chaired by the Governor of the State. The Committee shall include, among others, the military Commander of the area, his Deputy, the Director of the State Police and Director of the State National Security Branch.

5.7 Without prejudice to the provisions of paragraph 5.6 above, the Governor of the State may demand the transfer of the Director of the National Security Branch from the State.

5.8 The State Police Service shall adhere to the National standards and regulations as set forth by National Police Service.

5.9 Police, Prisons, Wildlife and Fire Brigade Officers shall be recruited by the State Service according to the National standards, trained and commissioned nationally and returned to the State for service. The other ranks shall be locally recruited to serve within the State. Recruitment and training regulations shall be designed and standardized by the National Police Service.

5.10 Without prejudice to the provisions of paragraph 5.9 above, the National Authority may agree with the State Authority to transfer any number of police officers from the State police to the National Police Service whenever necessary.

5.11 The State Authority may request the National Authority to transfer to the State any number of police officers to fill any vacancies in the State.

11. Pre-Election Arrangements

11.1. As part of pre-election arrangements, the Parties agree on the following:-

11.1.1. The Executive and Legislature in the two states shall be allocated as follows:-

- (a) Fifty-five Percent (55%) to the National Congress Party;
- (b) Forty-five Percent (45%) to the SPLM.

11.1.2. There shall be rotational governorship in the two states with each Party holding the Office of Governor for half of the pre-election period in each of the two states.

11.1.3 No one Party is to hold the Governorship in both states at the same time.

11.1.4 The office of Deputy Governor is to be allocated to the Party that is not presently occupying the Office of Governor.

11.1.5 The Parties are to decide upon the signature of the Comprehensive Peace Agreement the time and order in which each party assumes the Governorship in each state.

SCHEDULES

Schedule (A) The Exclusive Executive and Legislative Competencies of the Two States: -

[...]

Schedule (B): Concurrent Powers

The National and State Governments shall have concurrent Legislative and Executive competencies on any of the matters listed below:-

[...]

Schedule (C): Residual Powers

[...]

Page 23-24; CHAPTER II: POWER SHARING; PART II; 2. Institutions at the National Level; 2.4 National Capital

2.4.5 Without prejudice to the competency of any National Institution to promulgate laws, judges and law enforcement agents shall, in dispensing justice and enforcing current laws in the National Capital be guided by the following:-

[...]

2.4.5.2 Behavior based on cultural practices and traditions which does not disturb public order, is not disdainful of other traditions, and not in flagrant disregard of the law or disturbing public order shall be deemed in the eyes of the law as an exercise of personal freedoms;

[...]

2.4.5.4 The judicial discretion of courts to impose penalties on Non-Muslims shall observe the long-established legal (Sharia) principle that non-Muslims are not subject to prescribed penalties, and therefore remitted penalties shall apply;

2.4.6 A special commission shall be appointed by the Presidency to ensure that the rights of non-Muslims are protected in accordance with the aforementioned guidelines and not adversely affected by the application of Sharia Law in the Capital. The said commission shall make its observations and recommendations to the Presidency.

2.4.7 Additionally, a system of mechanisms of guarantees shall be established to operationalize the above points, which includes:-

2.4.7.1 Judicial circulars to guide the courts as to how to observe the foregoing principles;

2.4.7.2 Establishment of specialized courts; and

2.4.7.3 Establishment of specialized Attorney General circuits to conduct investigations and pre-trial proceedings related to offences involving these principles.

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Page 27; CHAPTER II: POWER SHARING; PART II; 2. Institutions at the National Level; 2.10 Other Independent and/or National Institutions to be Established in Accordance with the Peace Agreement:

2.10.1 The National Constitutional Review Commission, as detailed in Section 2.12 herein, shall also detail the mandate and provide for the appointment and other mechanisms to ensure the independence of the following institutions:-

[...]

2.10.1.3 A National Judicial Service Commission;

Page 28-30; CHAPTER II: POWER SHARING; PART II; 2. Institutions at the National Level; 2.11 The National Judiciary

2.11.1 The powers of the Judiciary shall be exercised by Courts and other tribunals. The Judiciary shall be independent of the Legislature and the Executive. Its independence shall be guaranteed in the Interim National Constitution.

2.11.2. There shall be established at the National Level:

2.11.2.1. A Constitutional Court;

2.11.2.2. A National Supreme Court;

2.11.2.3. National Courts of Appeal; and

2.11.2.4. Any other National Courts or tribunals as deemed necessary to be established by law.

2.11.3. The Constitutional Court

2.11.3.1 There shall be established-a Constitutional Court in accordance with the provisions of this Peace Agreement and the Interim National Constitution.

2. 11.3.2. The Constitutional Court shall:

(i) Be independent from the Judiciary and any other courts in the country. It shall-be headed by the President of the Constitutional Court, duly appointed by the President with the consent of the First Vice President, and shall be answerable to the Presidency;

(ii) Uphold the Interim National, Southern Sudan, and State Constitutions and its composition shall be representative;

(iii) Have original jurisdiction to decide disputes that arise under the National Interim Constitution and the constitutions of Northern States at the instance of individuals, juridical entities or of government;

(iv) Adjudicate on the constitutionality of laws and set aside or strike down laws or provisions of laws that do not comply with the National, Southern Sudan, or the relevant State constitutions;

(v) Have appellate jurisdiction on appeals against the decisions of Southern Sudan Supreme Court on the Constitution of Southern Sudan and the constitutions of Southern Sudan states;

(vi) Adjudicate on constitutional disputes between organs and levels of government, with respect to areas of exclusive or concurrent competencies;

(vii) Protect human rights and fundamental freedoms;

(viii) Have criminal jurisdiction over the President, the two (2) Vice Presidents of the two (2) Speakers of the National Legislature, and the Justices of the National and Southern Sudan Supreme Courts.

2. 11.3.3. Decisions of the Constitutional Court shall be final and binding.

2. 11.4. The National Supreme Court

2.11.4.1 The National Supreme Court shall:

(i) Be a court of review and cassation in respect of any criminal or civil matter arising out of or under national laws;

(ii) Have criminal jurisdiction over the Justices of the Constitutional Court;

(iii) Review death sentences imposed by any Court in respect to matters arising out of or under National Laws; and

(iv) Have such other jurisdiction as determined by the Interim National Constitution, the Peace Agreement, and law.

2. 11.4.2. The National Supreme Court may establish panels for the purposes of considering and deciding appeals on matters requiring special expertise including commercial, personal, or labour matters.

2. 11.4.3. The Justices of the Constitutional and National Supreme Courts and all the judges of other National Courts shall perform their functions without political interference; they shall be independent, and shall administer justice without fear or favour. The Interim National Constitution and the law shall protect their independence.

2. 11.4.4. Judges other than the Justices referred to in Section 2.11.4.6 herein shall be appointed by the Presidency on the recommendation of the National Judicial Service Commission.

2. 11.4.5. The National Judicial Service Commission shall be chaired by the Chief Justice. Amongst others, representatives of academia, judges, members of the legal profession, members of the National Legislature, and the Minister of Justice shall sit on this Commission. The National Judicial Service Commission shall be as determined in the Interim National Constitution

referred to in paragraph 2.12 herein and shall reflect the need for appropriate representation, inclusiveness, and diversity.

2.11.4.6. (i) All Justices of the Constitutional Court shall be appointed by the Presidency on the recommendation of the National Judicial Service Commission, subject to approval by two-thirds ((2/3)) majority of all the members of the Council of States, having regard to competence, credibility and the need for fair representation.

(ii) All Justices of the National Supreme Court shall be appointed by the Presidency on the recommendation of the National Judicial Service Commission, having regard to competence and credibility.

(iii) Southern Sudan shall be adequately represented in the Constitutional Court, the National Supreme Court and other national courts that are situated in the National Capital, by qualified lawyers having regard to competence and credibility;

2.11.4.7. The tenure of Judges shall not be affected by their judicial decisions. Judges may only be removed for gross misconduct, incompetence, incapacity, or otherwise in accordance with the law, and only on the recommendation of the National Judicial Service Commission.

Page 34-35; CHAPTER II: POWER SHARING; PART III; 3. Government of Southern Sudan; 3.7 The Judiciary of Southern Sudan

3.7.1 There shall be at the Southern Sudan Level:-

3.7.1.1 A Supreme Court of Southern Sudan;

3.7.1.2 Courts of Appeal; and

3.7.1.3 Any such other courts or tribunals as deemed necessary to be established in accordance with the Southern Sudan Constitution and the law.

3.7.2 The Constitution of Southern Sudan shall provide for a Supreme Court for Southern Sudan which shall be the highest court in the South and to which appeals may lie from Southern state courts or other Courts of Southern Sudan on matters brought under or relating to Southern state, Southern Sudan or National law, as may be determined by the Constitution of Southern Sudan.

3.7.3 The Southern Sudan Supreme Court shall:-

3.7.3.1 Be the court of final judicial instance in respect of any litigation or prosecution under Southern State or Southern Sudan law, including statutory and customary law, save that any decisions arising under National Laws shall be subject to review and decision by the National Supreme Court;

3.7.3.2 Have original jurisdiction to decide on disputes that arise under the Constitution of Southern Sudan and the constitutions of Southern Sudan states at the instance of individuals, juridical entities or of government;

3.7.3.3 Adjudicate on the constitutionality of laws and set aside or strike down laws or provisions of laws that contradict the Constitution of Southern Sudan or the constitutions of Southern Sudan states;

3.7.3.4 Be a court of review and cassation in respect of any criminal or civil matter arising out of or under Southern Sudan Laws;

3.7.3.5 Have criminal jurisdiction over the President and Vice President of the Government of Southern Sudan and the Speaker of Southern Sudan Legislature;

3.7.3.6 Review death sentences imposed by Southern Sudan courts in respect of matters arising out of or under Southern Sudan Laws;

3.7.3.7 Have such other jurisdictions as determined by Southern Sudan Constitution, the Peace Agreement and the Law.

3.7.4 Judges of the Courts of Southern Sudan shall perform their functions without political interference, shall be independent, and shall administer the law without fear or favour. The provisions of the Southern Sudan Constitution and the Law shall protect their independence.

3.7.5 Without prejudice to Sub-paragraph 2.11.4.4, the Legislature of Southern Sudan shall provide for appointments, terms of service and dismissal of Southern Sudan appointed Judges.

Page 38; CHAPTER II: POWER SHARING; PART IV; 4. Institutions at the State level; 4.6 State Judicial Institutions

4.6.1 The State Constitutions shall provide for the establishment of such state courts by the State Judiciary as necessary.

4.6.2 State legislation must provide for:-

4.6.2.1 The appointment and dismissal of State-appointed judges (lay magistrates); and

4.6.2.2 Guarantees of the independence and impartiality of the judiciary and ensure that judges shall not be subject to political or other interference.

4.6.3 State Courts shall have civil and criminal jurisdiction in respect of State, Southern Sudan, and National Laws, save that a right of appeal shall lie as provided in this Agreement.

4.6.4 Notwithstanding sub-paragraph 4.6.3, the National Legislature shall determine the civil and criminal procedures to be followed in respect of litigation or prosecution under National laws in accordance with the Interim National Constitution.

4.6.5 The structures and powers of the Courts of the States of Southern Sudan shall be subject to the provisions of this Agreement and the Constitution of Southern Sudan.

Page 39-43; CHAPTER II: POWER SHARING; PART V: Schedules

Schedule A: National Powers

Exclusive competencies (Legislative and Executive Powers) of the National Government.

[...]

7. Constitutional Court and such National Courts responsible for enforcing or applying National laws;

Schedule C: Powers of States

Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out here under:

[...]

7. The State Judiciary and administration of justice at State level including maintenance and organization of State Courts, and subject to national norms and standards, civil and criminal procedure;

Schedule D: Concurrent Powers

The National Government, the Government of Southern Sudan and State Governments, shall have legislative and executive competencies on any of the matters listed below during the Interim Period:

[...]

29. Southern Sudan and State Courts responsible for enforcing or applying National laws;

Page 49; CHAPTER III: WEALTH SHARING; 2. Ownership of Land and Natural Resources

2.6 Without prejudice to the jurisdiction of courts, there shall be established a National Land Commission that shall have the following functions:

[...]

Page 76-77; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES; 7. The State Courts

7.1. The structures and powers of the courts of the States shall be subject to the Interim National Constitution.

7.2 The State Constitution shall provide for the establishment of such state courts as are necessary.

7.3. The State Legislature shall provide for the appointment and dismissal of state appointed judges, subject to the State Constitution and the approval of the National Judicial Service Commission.

7.4. The State legislations shall provide for guarantees for the independence and impartiality of the State judiciary and ensures that state judges shall not be subject to political or other interference.

7.5. The state courts shall have civil and criminal jurisdiction in respect of State and National Laws, save that a right of appeal shall lie to the National Courts in respect of matters brought before or heard under National laws.

7.6. The National Legislature shall determine the civil and criminal procedures to be followed in respect of litigation or prosecution under National laws in accordance with the Interim National Constitution.

Page 81-83; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES

Schedule (A): The Exclusive Executive and Legislative Competencies of the Two States

8. The state judiciary and administration of justice at the state level, including maintenance and organization of state courts, subject to national norms and standards of civil and criminal procedure;

[...]

20. Statutes enacted under the penal law power, save for the penalization for the breach of National laws relating to the National competencies;

Schedule (B): Concurrent Powers

The National and State Governments shall have concurrent Legislative and Executive competencies on any of the matters listed below:

[...]

24. State courts responsible for enforcing or applying national laws; and

Page 5; CHAPTER I: THE MACHAKOS PROTOCOL; State and Religion

6.3. Eligibility for public office, including the presidency, public service and the enjoyment of all rights and duties shall be based on citizenship and not on religion, beliefs or customs.

Page 23-27; CHAPTER II: POWER SHARING; PART II; 2. Institutions at the National Level

2.4 National Capital

2.4.2 The Administration of the National Capital shall be representative; and during the Interim Period the two Parties shall be adequately represented in the administration of the National Capital.

2.6 Civil Service

2.6.1 The Government of National Unity shall also ensure that the National Civil Service, notably at the senior and middle-levels, is representative of the people of Sudan. In so doing, the following principles shall be recognized:-

2.6.1.1 Imbalances and disadvantages which exist must be redressed;

2.6.1.2 Merit is important and training is necessary;

2.6.1.3 There must be fair competition for jobs in the National Civil Service;

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2.6.1.4 No level of government shall discriminate against any qualified Sudanese citizen on the basis of religion, ethnicity, region, gender, or political beliefs;

2.6.1.5 The National Civil Service will fairly represent all the people of the Sudan and will utilize affirmative action and job training to achieve equitable targets for representation within an agreed time frame;

2.6.1.6 Additional educational opportunities shall be created for war-affected people.

2.6.2 In, order to create a sense of national belonging and address imbalances in the National Civil Service, a National Civil Service Commission shall be established with the task of:-

2.6.2.1 Formulating policies for training and recruitment into the civil service, targeting between Twenty-Thirty Percent (20% -30%) of the positions, confirmed upon the outcome of the census referred to herein, for people of South Sudan who qualify;

2.6.2.2 Ensuring that not less than Twenty Percent (20%) of the middle and upper level positions in the National Civil Service (including the positions of Under Secretaries) are filled with qualified persons from the South within the first three years and achieving Twenty -Five Percent (25%) in five (5) years and the final target figure referred to in sub-paragraph 2.6.2.1 above, within six (6) years; and

2.6.2.3 Reviewing, after the first three (3) years of the beginning of the Interim Period the progress made as a result of the policies and setting new goals and targets as necessary, taking into account the census results.

2.7 National Security

2.7.2 National Security Service

2.7.2.1 There shall be one National Security Service. The details of its establishment shall be worked out under the implementation modalities;

2.7.2.2 The National Security Service shall be representative of the population and reflect the partnership of the negotiating Parties;

2.7.2.3 The South shall be equitably represented in the National Security Service;

2.7.2.4 The National Security Service shall be professional and its mandate shall be advisory and focused on information gathering and analysis;

2.7.2.5 There shall be established security committees at the Government of Southern Sudan and State levels, their composition and functions shall be determined by the law;

2.7.2.6 The National Security Service shall be anchored in the Presidency;

2.7.2.7 There shall be a National Security Act that shall reflect the mandate of the National Security Service and the provisions of this Agreement relating to the National Security;

2.7.2.8 That all the assets of the respective security organs of the two Parties shall accrue to the National Security Service.

2.10 Other Independent and/or National Institutions to be Established in Accordance with the Peace Agreement

2.10.1 The National Constitutional Review Commission, as detailed in Section 2.12 herein, shall also detail the mandate and provide for the appointment and other mechanisms to ensure the independence of the following institutions:

[...]

2.10.1.4 A National Civil Service Commission;

3.6.5 The Government of Southern Sudan shall discharge its obligations and exercise such rights and powers in regard to administration, security, financial, and development issues as is set forth in the Southern Sudan Constitution, the Interim National Constitution, the Peace Agreement and any other agreement relating to the reconstruction and development of the Southern Sudan.

Page 39-42; CHAPTER II: POWER SHARING; PART V: Schedules

Schedule A: National Powers

Exclusive competencies (Legislative and Executive Powers) of the National Government.

[...]

9. The fixing of and providing for salaries and allowances of civil and other officers of the National Government;

[...]

21. National Institutions as envisaged under the Peace Agreement or as set forth in the Interim National Constitution;

Schedule B: Powers of the Government of Southern Sudan

The exclusive legislative and executive powers of the Government of Southern Sudan shall be:

[...]

4. Legislation relating to the Government of Southern Sudan structures for the delivery of services at all levels of Government of Southern Sudan;

[...]

7. The appointment, tenure and payment of Government of Southern Sudan (GOSS) officers and civil servants;

[...]

9. The co-ordination of Southern Sudan services or the establishment of minimum Southern Sudan standards or the establishment of Southern Sudan uniform norms in respect of any matter or service referred to in Schedule C or Schedule D, read together with Schedule E, with the exception of Item 1 of Schedule C, including but not limited to, education, health, welfare, police (without prejudice to the National Standards and Regulations), prisons, state public services, such authority over civil and criminal laws and judicial institutions as is specified in the Schedules, lands, reformatories, personal law, intra-state business, commerce and trade, tourism, environment, agriculture, disaster intervention, fire and medical emergency services, commercial regulation, provision of electricity, water and waste management services, local Government, animal control and veterinary services, consumer protection, and any other matters referred to in the above Schedules;

Schedule C: Powers of States

Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out here under:

[...]

5. Social Welfare including State pensions;

6. The Civil Service at the State level;

[...]

12. The establishment, tenure, appointment, and payment of State officers;

Page 47; CHAPTER III: WEALTH SHARING; 1. Guiding Principles in Respect of an Equitable Sharing of Common Wealth

1.5 The Parties agree that Southern Sudan faces serious needs to: (i) be able to perform basic government functions, (ii) build up the civil administration, and (iii) rehabilitate and reconstruct/construct the social and physical infrastructure in a postconflict Sudan.

1.6 The Parties agree that Nuba Mountains, Southern Blue Nile, Abyei and other war affected areas face serious needs to: (i) be able to perform basic government functions, (ii) establish and build civil administration and (iii) rehabilitate and reconstruct/construct the social and physical infrastructure in a post-conflict Sudan.

1.7 That, without prejudice to the provisions of paragraph 1.3 herein, Southern Sudan, and those areas in need of construction/reconstruction, shall be brought up to the same average level of socio-economic and public services standard as the Northern states. To achieve these objectives will take time and effort to build up local institutional, human, and economic capacity. For this purpose, two special funds shall be established as provided herein.

Page 66-68; CHAPTER IV: THE RESOLUTION OF THE ABYEI CONFLICT

2. Administrative Structure

2.1 Upon signing the Peace Agreement, Abyei Area shall be accorded special administrative status under the institution of the Presidency.

2.2 Abyei area shall be administered by a local Executive Council, elected by the residents of Abyei. Pending the election of the Executive Council, its initial members shall be appointed by the Presidency.

2.3 The administration of the Abyei Area shall be representative and inclusive of all the residents of the area.

2.4 The Executive Council shall be composed of the Chief Administrator, his/her Deputy and not more than five heads of departments. Prior to elections, the Chief Administrator and his/her Deputy shall be appointed by the Presidency. The Chief Administrator shall make recommendations to the Presidency regarding the appointments of the heads of departments.

2.5 The Executive Council, in exercise of its executive powers, shall:

2.5.1 render necessary services;

2.5.2 supervise and promote security and stability in the area;

2.5.3 Propose development and urbanization projects for the area to both the Abyei Area Council and to the Presidency;

2.5.4 Present to the National Government proposals regarding the provision of assistance to improve the lives of the peoples of Abyei, including urbanization and development;

2.6 The Presidency, upon the recommendation of the Executive Council, shall determine the executive, legislative and financial powers and competencies of the special status of Abyei Area, having regard to this protocol, other protocols, agreements, and the Comprehensive Peace Agreement.

4. Public Participation

4.3 The Abyei Area Council shall:

[...]

4.3.4 If necessary, recommend to the Presidency the relief of the Chief Administrator or his/her Deputy;

Page 75-76; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES; 5. The State Executive

5.2 The Governor shall appoint the ministers and the commissioners of the state in accordance with the State Interim Constitution. The State Council of Ministers shall be representative.

[...]

5.9 Police, Prisons, Wildlife and Fire Brigade Officers shall be recruited by the State Service according to the National standards, trained and commissioned nationally and returned to the State for service. The other ranks shall be locally recruited to serve within the State. Recruitment and training regulations shall be designed and standardized by the National Police Service.

Page 81; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES; Schedules

Schedule (A) The Exclusive Executive and Legislative Competencies of the Two States: -

[...]

7. The Civil Service at the state level;
[...]
12. The establishment, tenure, appointment, and payment of state civil service officers;

Page 100-02; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART I: The Ceasefire Arrangements; 11. Other Armed Groups

11.1. In accordance with Article 7 (a) of the Agreement on Security Arrangements, the Parties agree to expedite the process of incorporation and reintegration of armed groups allied to either Party, into their armed forces, other organized forces, the civil service and civil societal institutions.

11.3. In accordance with the Framework Agreement on Security Arrangements during the Interim Period, no armed group allied to either party shall be allowed to operate outside the two forces. Other Armed Groups (OAGs) who have a desire and qualify shall be incorporated into the organized forces of either party (Army, Police, Prisons, and Wildlife Forces), while the rest shall be reintegrated into the civil service and civil society institutions.

11.7. Upon signature of this Agreement, the process of incorporation of individual members of all other armed groups, who desire and qualify shall start as soon as possible into the ranks of either SAF or SPLA or integrated into organized forces (police, prisons and wildlife services), while the rest shall be reintegrated into the civil service or civil society institutions.

11.9. By D Day + 12 Months, the OAGs Collaborative Committee shall finish the incorporation process of OAGs members who desire and qualify into the armed forces of either Party and police, prisons, wildlife service and civil service.

11.10. When the incorporation process of OAGs referred to above in subsection 11.9 is completed, the incorporated OAGs members shall not be allowed to decamp from one Party to the other nor to change from police, prisons, wildlife and civil service to the military.

11.12. The Southern Sudan DDR Commission shall continue the reintegration process of the demobilized and disarmed members of OAGs into the civil service and civil society institutions in Southern Sudan, with a follow up of the OAGs Collaborative Committee.

Page 116-17; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART II: The Armed Forces; 22. Policing Issues and Domestic Security

22.1. In order to facilitate the removal and withdrawal of the military and paramilitary forces from areas where they were previously located and in order to return societal order and harmony, in accordance with the law, in compliance with national and international acceptable standards and with accountability to the Courts and civil Administration, the police at the appropriate level during the ceasefire shall:
[...]

Page 22; CHAPTER II: POWER SHARING; PART II; 2. Institutions at the National Level; 2.3. The National Executive

2.3.8.3 The Vice President shall be Commander-in-Chief of the Sudan Armed Forces {SAF}.

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Page 68; CHAPTER IV: THE RESOLUTION OF THE ABYEI CONFLICT; 7. Security Arrangements

7.1 There shall be established Abyei Area Security Committee, chaired by the Chief Administrator, and shall comprise of the Deputy Chief Administrator, the Army Commander, the Police Chief, and the representative of the Security Organ.

Page 79; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES; 10. Security Arrangements

10.1 Without prejudice to the Agreement on the Security Arrangements and the right of Sudan Armed Forces (SAF) Command to deploy forces all over North Sudan as it deems fit, SAF troop levels in Southern Kordofan/Nuba Mountains and Blue Nile during the Interim Period shall be determined by the Presidency.

Page 87-90; CHAPTER VI: SECURITY ARRANGEMENTS

1. Status Of The Two Armed Forces

- a. In the context of a united Sudan, and should the result of the referendum on self-determination confirm unity, the Parties (the Government of the Sudan and the Sudan People's liberation Movement and Army) agree to the formation of the future army of Sudan that shall be composed from the Sudanese Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA).
- b. As part of a peace agreement and in order to end the war, the Parties agree that the two forces, the SAF and the SPLA shall remain separate during the Interim Period, and further agree that both forces shall be considered and treated equally as Sudan's National Armed Forces during the Interim Period taking into consideration 1(c) below.
- c. The parties agree to the principles of proportional downsizing of the forces on both sides, at a suitable time, following the completion of the comprehensive ceasefire arrangements.
- d. The national Armed Forces shall have no internal law and order mandate except in constitutionally specified emergencies.

3. Redeployment

- a. The two forces shall be disengaged, separated, encamped and redeployed as will be detailed in the Comprehensive Ceasefire Agreement.
- b. Except for those deployed in the Joint/Integrated Units, the rest of the forces of SAF currently deployed in the south shall be redeployed North of the South/North border of 1/1/1956 under international monitoring and assistance within and up to two and one half years (2 1/2) from the beginning of the pre-Interim Period.
[...]
- d. The SPLM/A undertakes that the demobilized Southern Sudanese from those currently serving in SAF in Southern Sudan shall be absorbed into various institutions of the Government of Southern Sudan along with demobilized SPLA soldiers.

4. Joint/Integrated Units

There shall be formed Joint/ Integrated Units consisting of equal numbers from the Sudanese Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA) during the Interim Period. The Joint/ Integrated Units shall constitute a nucleus of a post referendum army of Sudan, should the result of the referendum confirm unity, otherwise they would be dissolved and the component parts integrated into their respective forces.

4.1 Elaboration on Joint/Integrated Units

- [...]
- b. Their Functions:
[...]
- III. They will participate in the defence of the country together with the two forces.

5. Command and Control of The Two Forces

1. The Parties agree to establish a Joint Defence Board (JDB) under the Presidency, and shall be comprised of the chiefs of staff of the two forces, their deputies and any number of senior officers to be agreed to by the parties. It shall take its decisions by consensus and it shall be chaired alternately by the respective Chiefs of Staff.

2. Functions of JDB

The JDB shall perform the following functions:

- a. Co-ordination between the two forces.
- b. Command of the Joint! Integrated Units.

6. Common Military Doctrine

The parties shall develop a common military doctrine as a basis for the Joint/Integrated Units, as well as a basis for a post Interim Period army of the Sudan, if the referendum vote is in favour of unity. The parties shall develop this common doctrine within one year from the beginning of the Interim Period. During the Interim Period, the training of the SPLA (in the South), the SAF (in the North) and the joint units (in both North and South) will be based on this common doctrine.

7. Status of Other Armed Groups In The Country

- a. No armed group allied to either party shall be allowed to operate outside the two forces.
- b. The Parties agree that those mentioned in 7(a) who have the desire and qualify shall be incorporated into the organized forces of either Party (Army, Police, Prisons and Wildlife forces), while the rest shall be reintegrated into the civil service and civil society institutions.
- c. The parties agree to address the status of other armed groups in the country with the view of achieving comprehensive peace and stability in the country and to realize full inclusiveness in the transition process.

Page 108-17; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART II: The Armed Forces

16. Military Mission and Mandate

16.1. Without prejudice to the provisions of sub-sections 1 (b) and 4.1 (b) of the Agreement on Security Arrangements, the mission and mandate for Sudan Armed Forces (SAF), Sudan People's Liberation Army (SPLA) and the Joint/Integrated Forces within their respective areas of deployment during the interim period shall clearly be specified within the first year of the interim period by the Joint Defence Board subject to the approval of the Presidency.

16.2. Without prejudice to sub-section 16.1 above, the Sudanese Armed Forces (SAF), the Sudan People's Liberation Army (SPLA) and the Joint/Integrated Units (JIUs) shall be charged with the mission of defending the sovereignty and territorial integrity of the Sudan during the Interim Period.

16.3. The two Armed Forces and the JIUs shall be regular, professional, and nonpartisan armed forces. They shall respect the rule of law and civilian government, democracy, basic human rights, and the will of the people.

16.4. As per Article (1) (b) and (4) (b) (III) of the Agreement on Security Arrangements, the Armed Forces (SAF, SPLA and JIUs) shall undertake the responsibility of the defence of the country against threats in their areas of deployment pending appropriate decision from the JDB.

16.5. The involvement of the Armed Forces as defined in sub-section 16.4 above, in constitutionally specified emergencies, shall be determined in the Interim Constitution.

16.6. The Parties shall jointly develop a code of conduct for the members of all armed forces based on the common military doctrine that shall be developed as stipulated for in section 6 of the Agreement on Security Arrangements.

16.7. The elements of the code of conduct provided for in sub-section 16.6 above shall:

- 16.7.1. be informed by the provisions of sub-section 16.2 above;
- 16.7.2. make a clear distinction between the military functions from partisan political functions;

16.7.3. make repudiation that such forces can be used as agency of physical intimidation of the civilian population;
16.7.3. make a clear distinction between military mandate from the policing mandate during cease fire period;
16.7.4. make clear distinction between military mandate from the policing mandate during ceasefire period;
16.7.5. make clear that all members of armed forces shall not be involved in illicit activities that may affect the environment and natural resources.

17. The Joint Defence Board (JDB)

17.1. The JDB shall be composed and structured on parity basis and take its decisions by consensus. It shall be composed of the Chiefs of Staff of SAF and SPLA, their deputies and four senior officers from each Party.

17.2. The JDB shall exhibit a characteristic of well-functioning body capable of timely response to tasks and situation.

17.3. The JDB shall have a Technical Committee to be formed from four senior officers from both sides.

17.4. The Technical Committee shall undertake the duty of coordination between the two forces and resolve different problems that may ensue. It shall report regularly to the JDB in all ordinary and extraordinary sessions.

17.5. The two Commanders in Chief shall appoint the Commander and the deputy commander of the JIUs who shall be ex officio members of the JDB.

17.6. In the event of any external or internal threat, the JDB shall, subject to section 16.2 above, decide on how to address the situation. The JDB shall decide whether all forces, the JIUs or either force (SAF and SPLA) shall handle the threat alone or collectively. The JDB may also decide on the appropriate support and reinforcements that other forces shall lend to the forces facing direct threat and aggression. In a joint operation, JDB shall determine lead HQS for that operation.

17.7. The JDB shall be entrusted to work out a comprehensive framework for confidence building. Confidence building measures between the SAF and SPLA may include exchanging visits, organizing cultural and sport events, convening of joint training courses, and participating in national and religious celebrations and any other activities that shall help in building confidence.

17.8. The JDB shall form a committee to lay down the principles of the future Sudan National Armed Forces, should the result of the referendum on self determination confirm unity.

17.9. At the earliest opportunity, appointed representatives of SAF and SPLA will determine, taking into account point 17.1 of this Agreement, a staff structure in support of IDB command. They will calculate a budget and recommend how it is be resourced.

18. Redeployment

18.1. The line of redeployment of SAF and SPLA shall be South/North Border of 1/1/1956 as came in Article 3 (b), in the Agreement on Security Arrangements during the Interim Period signed on 25th September, 2003.

18.2. SAF commits to redeploy its forces as per Article 3 (b) of the Agreement on Security Arrangements to the North of South/North border of 1/1/1956 beginning from the Pre Interim Period according to the following steps:

- a) Step I: Reduction by seventeen percent (17%) by D-day + 6 months;
- b) Step II: Reduction by fourteen percent (14%) by D-day + 12 months;
- c) Step III: Reduction by nineteen percent (19%) by D-day + 18 months;
- d) Step IV: Reduction by twenty-two percent (22 %) by D-day + 24 months;
- e) Step V: Complete redeployment of the remainder twenty-eight percent (28%) by D-day + 30 months.

18.3. SPLA commits to redeploy its forces pursuant to Article 3 (c) and Article 4 (c) (V) (a) of the Agreement on Security Arrangements as detailed below.

18.4. The SPLA forces in the eastern Sudan shall be redeployed to the south of North/South border of 1/1/1956 beginning from pre-interim period according to the following steps:

- a) Reduction by thirty percent (30%) by D-day + four months.
- b) Reduction by forty percent (40%) by D-day+ 8 months.
- c) Complete redeployment of the remainder thirty percent (30%) by D-day 12 months.

18.5. The SPLA shall complete redeployment of its excess forces from Southern Blue Nile and Southern Kordofan/Nuba Mountains within six months of the deployment of the JIUs in those areas.

18.6. Without prejudice to the Agreement on the Security Arrangements and the right of Sudan Armed Forces (SAF) Command to deploy forces all over North Sudan as it deems fit, SAF troop levels in Southern Kordofan/Nuba Mountains and Blue Nile during the Interim Period shall be determined by the Presidency.

18.7. After the JIUs deployment in Abyei, all other forces shall be redeployed outside the area. However, the size JIUs Battalion in Abyei shall conform to JIUs organizational standards according to the Protocol between the Government of Sudan and the Sudan People's Liberation Movement on the Resolution of the Conflict in Abyei Area of 26th May, 2004.

19. Optimal Size of the Armed Forces

After the Completion of SAF redeployment to the North the parties shall begin the negotiations on proportionate downsizing. Nonetheless, the parties shall allow voluntary demobilization, demobilization of non-essentials (child soldiers and elderly, disabled) during the first year of Interim Period.

20. The Status of Joint Integrated Units

20.1. There shall be formed Joint/Integrated Units (hereinafter referred to as JIUs) during the pre-interim and the interim period from the SAF and the SPLA. This shall form the nucleus of the future Sudanese National Armed Forces (SNAP) should the result of the referendum on the right of self-determination for the people of Southern Sudan confirm unity of the country.

20.2. If the result of the referendum is in favour of secession of the South from the North, the JIUs shall dissolve with each component reverting to its mother Armed Forces to pave the way for the formation of the separate Armed Forces for the emerging states.

20.3. Notwithstanding sub-Sections 20.10.1, 20.10.2, 20.10.3, 20.10.4, and 20.10.5, formation, training, tasking and deployment of JIUs formations and sub-formations shall be completed not later than D-day + 21 months.

20.4. At the initial stage of the formation of the JIUs, SAF component shall be liable to relief "after two years of deployment". Nonetheless, they shall be locked-in by D-day + 33 months.

20.5. At the inception, the JIUs shall remain in their joint form. However, the process of full integration shall be completed by D-day + 52 months.

20.6. The JIUs as per Agreement on Security Arrangements shall fall under the command of the Joint Defence Board (JDB). Nevertheless, the two Commanders-in-Chief shall appoint the commander and deputy commander for the JIUs as the highest level who shall, by virtue of their positions, be members of the JDB. They shall oversee routine command matters of the JIUs in accordance to authority conferment by the JDB.

20.7. The JIUs command shall be exercised on parity basis between SAF and the SPLA officers with alternation of roles at the uppermost and other levels of command.

20.8. The JIUs personnel shall be treated equally. There shall be uniformity in welfare, salaries, emoluments nsions rights, supplies, armament, and equipment.

20.9. The Parties have further discussed the issue of establishing JIUs in Eastern Sudan and have decided to continue discussing the issue during the Interim Period and resolve it as they deem fit.

20.10 Training of the Joint Integrated Units

20.10.1. Both Armed Forces (SAF and SPLA) shall complete selection and organization of officers, Non-Commissioned Officers (NCOs) and men for the JIUs within three months from the beginning of the Pre-Interim Period.

20.10.2. Notwithstanding sub-section 20.3 above, the JIUs components from both Parties shall be formed within three months from the Pre-Interim Period and co-locate in their various training centres to be trained for not less than six months after which they shall be tasked and deployed.

20.10.3. There shall be developed as soon as practicable a joint doctrine, code of conduct, as well as disciplinary laws, regulations, and standing operating procedures to govern the general training policies, programmes, disciplinary scopes and behavioral patterns.

20.10.4. In view of special status of Khartoum and Juba, the JIUs Command shall allot tasks to the various contingents that shall be deployed to these cities by the end of the Pre-Interim Period after completion of initial joint training session that shall not exceed three months. Nonetheless, the JIUs command shall organize further training sessions for these contingents in accordance to JIUs training policy and programmes.

20.10.5. The parties shall appeal to the international community to render additional technical, material and financial support to assist in forming and training the JIUs.

20.11. JIUs Command and Control

The JIUs Headquarters is under command of JDB and shall be located in Juba. The JIUs command shall perform among other things, the following duties and responsibilities:

20.11.1. Command of the JIUs formations and units;

20.11.2. Promotion of mutual cooperation between the JIUs, SAF and SPLA at all command levels;

20.11.3. Coordination of supply and replenishments plans with the JDB;

20.11.4. Implementation of the JDB plans, policies, programmes and directives pertaining to the JIUs;

20.11.5. Appointment and transfer of JIUs officers within the discretion of the JIUs command;

20.11.6. Create and promote confidence building measures;

20.11.7. Development and execution of training programmes from the JIUs;

20.11.8. Coordination and the CPC;

20.11.9. Resolution of disputes that may arise within the JIUs jurisdiction.

20.12. The JIUs Commanders shall exercise the following authority/responsibility:

20.12.1. Command and control of JIUs in their respective areas of command;

20.12.2. Implementation of and compliance with the directives of the JIUs Higher Headquarters;

20.12.3. Implement confidence building policies of the higher headquarters as well as create and promote confidence building measures within their power as shall be desirable;

20.12.4. Development and execution of training programmes within their command jurisdiction;

20.12.5. Performance of any other duties that may be conferred upon them by the higher headquarters.

20.13. The JIUs Composition and Organization

20.13.1 Composition

20.13.1.1. The JIUs shall initially be formed from SAF and SPLA, out of their ground forces;

20.13.1.2. By D-Day + 12 months, SPLA nominated personnel shall commence training in the service arms of the Airforce, Navy and Air Defence,

so as to make available SPLA contribution to the JIUs Service Arms which shall be established as per sub-section 20.13.1.3 below;

20.13.1.3. By D-Day+36 months, the first JIUs service arms unit shall be established, others shall follow according to the graduation of qualified SPLA JIUs personnel as determined by the JDB; further training may continue according to the needs as may be decided by the JDB;

20.13.1.4. SAF component of the JIUs service arms shall be nominated and assigned as soon as the SPLA component of JIUs service arms is trained and graduated;

20.13.1.5. JIUs Service Arms of the Airforce, Navy and Air Defence shall be part of the overall number of forces of the JIUs already agreed to by the Parties.

20.13.2 Organization

20.13.2.1. The higher JIUs formation shall be division (see organizational structure attached as appendixure 3). Thus, there shall be formed five JIUs division and one independent brigade as follows:

a) 1st Infantry Division which shall have a total strength of 9000 officers, NCOs and men and shall be deployed in Equatoria area.

b) 2nd Infantry Division which shall have a total strength of 8000 officers, NCOs and men and shall be deployed in Upper Nile area.

c) 3rd Infantry Division which shall have a total strength of 7000 officers, NCOs and men and shall be deployed in Bahr el Ghazal area.

d) 4th Infantry Division (unlike the other divisions, both 4th and 5th Infantry divisions are under-strength divisions) which shall have a total strength of 6000 officers, NCOs and men and shall be deployed in southern Blue Nile.

f) 5th Infantry Division which shall have a total strength of 6000 officers, NCOs and men and shall be deployed in southern Kordofan/Nuba Mountains.

f) Independent Brigade which shall be deployed in Khartoum with the total strength of 3000 officers, NCOs and men.

20.13.2.2. There shall be formed a JIU Infantry Battalion (Inf. Bn.) for Abyei Area whose strength shall be in accordance with JIUs standards. It shall be deployed in Abyei area and attached to 3rd Infantry Division.

20.13.2.3. Infantry brigades, of not more than 3000 troops each, to compose of:

i. Brigade Command;

ii. Brigade HQ Company;

iii. Two to four infantry Battalions;

iv. Armored, artillery, engineering, transport, signal and medical corps.

20.13.2.4. The infantry battalion shall compose of:

i. Battalion Command;

ii. Battalion HQ Company;

iii. Two to four infantry companies;

iv. Support Company.

20.13.2.5. JIUs battalion shall be formed of two SAF companies and two SPLA companies, whereas the HQs Company and the support company shall be mixed. The size of the forces in each locality shall not exceed one infantry battalion.

20.14 JIUs Detailed Deployment

20.14.1. First nus Infantry Division – Equatoria

a) Division Headquarters: Juba town.

b) Juba Brigade Headquarters: Juba town.

c) Subunits deployment: Around Juba town.

d) Torit Brigade Headquarter (+) Inf Bn: Torit town.

e) Subunit Deployment: Kapoeta, Yei, and Jabor.

f) Maridi BrigadeHeadquarters (+) Inf Bn: Maridi town.

g) Subunits deployment: Mondari, Yambio, Tombara.

20.14.2. Second Infantry Division – Upper Nile

a) Division Headquarters: Malakal town.

b) Malakal Brigade Headquarters (+) two Inf Bns: Malakal town.

c) Subunits deployment: Nasir, Bounj and Malut.

d) Bentiu Brigade headquarters (+) Inf Bn: Bentiu town.

e) Subunits deployment: Pariang, and Bor.

20.14.3. Third Infantry Division – Bahr el Ghazal

- a) Division Headquarters: Wau town.
- b) Wau Brigade headquarters (+) two InfBns: Wau town.
- c) Subunits deployment: Tonj, Rumbek, and Shambe
- d) Aweil Brigade headquarters (+) two Inf Bns: Aweil town.
- e) Subunits deployment: Raja, Gogrial.
- f) Abyei Area Independent Battalion attached.

20.14.4. Fourth Infantry Division – Southern Blue Nile

- a) Division Headquarters: Dindiro town.
- b) Dindiro Brigade headquarters (+) Bde Hqs (+) one Inf Bn: Dindiro.
- c) Subunits deployment: Kurmuk, Geizan, Ulu.
- d) Takamol Brigade headquarters (+) one Inf Bn: Takamol.
- e) Subunits deployment: Damazin, Umdarfa'a, Menza.

20.14.5. Fifth Infantry Division – Nuba MOJIlains

- a) Division headquarters (+) one Inf Bn: Kadogli town.
- b) Kadugli Brigade headquarters: Heiban.
- c) Subunits deployment: Heiban, El Buram, Talodi.
- d) Deleng Brigade headquarters (+) one Inf Bn: Deleng town.
- e) Subunits deployment: Jebel Eried, Julurl;, Urn Sirdibba.

20.14.6. Khartoum Independent Brigade

There shall be one JIUs Brigade in Khartoum that shall be deployed with the Republican Guard in Soba. The VIP Protection Force is located according to the Presidential Unit, and Capital Security Force in Jebel Awaliaa.

20.14.7. The Parties agree that the JIU s shall protect the oilfields as provided in sub-section 20.14.2 and the oil installations shall be demilitarized. In case of any threat to the oil installations, the JDB shall decide on the appropriate and necessary measures.

21. Funding of the Armed Forces

21.1. During the Interim Period, SAF forces and JIUs shall be funded by the National Government, whereas the SPLA forces shall be funded by the Government of Southern Sudan, subject to the principle of proportional downsizing as per Security Arrangements Protocol and the approval of Southern Sudan Legislature. To meet this obligation, the Government of Southern Sudan shall raise financial resources from both local and foreign sources and seek international assistance. These financial resources shall be channeled through the Bank of Southern Sudan and managed according to the principles of Wealth Sharing Protocol.

21.2. The elected National Legislature during the Interim Period shall review and finally resolve the issue of the funding of the Sudan National Armed Forces (SNAF) so as to make unity of the Sudan an attractive choice in the referendum on self-determination by the people of Southern Sudan, and to create sound basis for the formation of the future army of the Sudan that shall be composed from the Sudanese Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA) and the JIUs, should the result of referendum on self-determination confirm unity.

22. Policing Issues and Domestic Security

22.1. In order to facilitate the removal and withdrawal of the military and paramilitary forces from areas where they were previously located and in order to return societal order and harmony, in accordance with the law, in compliance with national and international acceptable standards and with accountability to the Courts and civil Administration, the police at the appropriate level during the ceasefire shall:

22.1.1. Maintain law and public order;

22.1.2. Ensure safety and security of all people and their property;

22.1.3. Prevent and detect crimes.

22.1.4. Assist returning refugees, the displaced and other returnees to start a normal, stable and safe life in their respective communities;

22.1.5. Provide national service (such as nationality, civil registry, identity documents (IDs), passports etc.) and other police services and make them available to all citizens in their locations;

22.1.6. Protect VIPs in collaboration with other security agencies;

22.1.7. Preserve natural resources;

22.1.8. Combat illicit trafficking in narcotics, drugs and illegal trade in firearms and other organized and trans boundary crimes in the area;

22.1.9. Control illegal presence and movement of aliens in the area;

22.1.10. Collect data and information on criminal matters that threaten implementation of the peace agreement in the area.

22.1.11. Remove the need for the deployment of military and para-military forces in villages, communities and city streets;

22.1.12. Combat corruption at all levels of government and civil society; and

22.2. In order to strengthen the effective implementation of this Agreement, the National Police may assist, as required, other police at all levels to establish and promote police service at that level;

22.3. The police shall cooperate and participate in the entire process of ceasefire implementation;

22.4. The Parties agree that the police in the territorial jurisdiction of the ceasefire shall assume their normal functions and activities, particularly in the areas where military and para-military forces had previously assumed their functions;

22.5. The Parties call upon the international community to assist in the areas of training, establishment and capacity building of police and other law enforcement agencies for the sustenance of peace and rule of law;

22.6. The Parties recognize the need for cooperation and coordination mechanism between the national police and other law enforcement agencies at all levels with regards to the implementation of this Agreement.

Page 23; CHAPTER II: POWER SHARING; PART II; 2. Institutions at the National Level; 2.4 National Capital

2.4.4 Law enforcement agencies of the Capital shall be representative of the population of Sudan and shall be adequately trained and made sensitive to the cultural, religious and social diversity of all Sudanese.

2.4.5 Without prejudice to the competency of any National Institution to promulgate laws, Judges and law enforcement agents shall, in dispensing justice and enforcing current laws in the National Capital be guided by the following:

[...]

Page 39-42; CHAPTER II: POWER SHARING; PART V: Schedules

Schedule A: National Powers

Exclusive competencies (Legislative and Executive Powers) of the National Government

[...]

8. National Police (including Criminal Investigation Department - CID, Coordination of International, Regional and bilateral Criminal Matters, and Standards and Regulations including the standards for training the police in the National Capital);

Schedule B: Powers of the Government of Southern Sudan

The exclusive legislative and executive powers of the Government of Southern Sudan shall be:

[...]

2. Police, Prisons and Wildlife Services;

[...]

Schedule C: Powers of States

Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out here under:

[...]

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Police Reform

2. State Police, prisons;
[...]
19. Enforcement of State laws;

Page 75; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES; 5. The State Executive

5.6 There shall be State Security Committee to be chaired by the Governor of the State. The Committee shall include, among others, the Military Commander of the area, his Deputy, the Director of the State Police and Director of the State National Security Branch.

5.8 The State Police Service shall adhere to the National standards and regulations as set forth by National Police Service.

5.9 Police, Prisons, Wildlife and Fire Brigade Officers shall be recruited by the State Service according to the National standards, trained and commissioned nationally and returned to the State for service. The other ranks shall be locally recruited to serve within the State. Recruitment and training regulations shall be designed and standardized by the National Police Service.

5.10 Without prejudice to the provisions of paragraph 5.9 above, the National Authority may agree with the State Authority to transfer any number of police officers from the State police to the National Police Service whenever necessary.

5.11 The State Authority may request the National Authority to transfer to the State any number of police officers to fill any vacancies in the State

Page 81; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES

Schedule (A): The Exclusive Executive and Legislative Competencies of the Two States:

- [...]
2. State Police;
[...]
19. Enforcement of state laws;

Page 89-90; CHAPTER VI: SECURITY ARRANGEMENTS

7. Status of Other Armed Groups (OAGs) in The Country

b. The Parties agree that those mentioned in 7(a) who have the desire and qualify shall be incorporated into the organized forces of either Party (Army, Police, Prisons and Wildlife forces), while the rest shall be reintegrated into the civil service and civil society institutions.

8. National Security Organs and Police forces

Structures and arrangements affecting all law enforcement organs, especially the Police, and National Security Organs shall be dealt with as part of the power sharing arrangements, and tied where is necessary to the appropriate level of the executive.

Page 100-02; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART I: The Ceasefire Arrangements

11. Other Armed Groups

11.3. In accordance with the Framework Agreement on Security Arrangements during the Interim Period, no armed group allied to either party shall be allowed to operate outside the two forces. Other Armed Groups (OAGs) who have a desire and qualify shall be incorporated into the organized forces of either party

(Army, Police, Prisons, and Wildlife Forces), while the rest shall be reintegrated into the Civil Service and civil society institutions.

11.5. The OAGs CC shall, inter alia, perform the following functions:
[...]

11.7. Upon signature of this Agreement, the process of incorporation of individual members of all other armed groups, who desire and qualify shall start as soon as possible into the ranks of either SAF or SPLA or integrated into organized forces (Police, Prisons and Wildlife Services), while the rest shall be reintegrated into the civil service or civil society institutions.

11.9. By D Day + 12 Months, the OAGs Collaborative Committee shall finish the incorporation process of OAGs members who desire and qualify into the armed forces of either Party and Police, Prisons, Wildlife Service and Civil Service.

11.10. When the incorporation process of OAGs referred to above in sub-section 11.9 is completed, the incorporated OAGs members shall not be allowed to decamp from one Party to the other nor to change from Police, Prisons, Wildlife and Civil Service to the military

Page 108; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART II: The Armed Forces; 16. Military Mission and Mandate

16.7. The elements of the code of conduct provided for in sub-section 16.6 above shall:

[...]

16.7.4. make a clear distinction between military mandate from the policing mandate during ceasefire period;

[...]

Page 116-17; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART II: The Armed Forces; 22. Policing Issues and Domestic Security

22.1. In order to facilitate the removal and withdrawal of the military and paramilitary forces from areas where they were previously located and in order to return societal order and harmony, in accordance with the law, in compliance with national and international acceptable standards and with accountability to the Courts and civil Administration, the police at the appropriate level during the ceasefire shall:

22.1.1. Maintain law and public order;

22.1.2. Ensure safety and security of all people and their property;

22.1.3. Prevent and detect crimes.

22.1.4. Assist returning refugees, the displaced and other returnees to start a normal, stable and safe life in their respective communities;

22.1.5. Provide national service (such as nationality, civil registry, identity documents (IDs), passports etc.) and other police services and make them available to all citizens in their locations;

22.1.6. Protect VIPs in collaboration with other security agencies;

22.1.7. Preserve natural resources;

22.1.8. Combat illicit trafficking in narcotics, drugs and illegal trade in firearms and other organized and trans boundary crimes in the area;

22.1.9. Control illegal presence and movement of aliens in the area;

22.1.10. Collect data and information on criminal matters that threaten implementation of the peace agreement in the area.

22.1.11. Remove the need for the deployment of military and para-military forces in villages, communities and city streets;

22.1.12. Combat corruption at all levels of government and civil society; and

22.2. In order to strengthen the effective implementation of this Agreement, the National Police may assist, as required, other police at all levels to establish and promote police service at that level;

22.3. The police shall cooperate and participate in the entire process of ceasefire implementation;

22.4. The Parties agree that the police in the territorial jurisdiction of the ceasefire shall assume their normal functions and activities, particularly in the areas where military and para-military forces had previously assumed their functions;

22.5. The Parties call upon the international community to assist in the areas of training, establishment and capacity building of police and other law enforcement agencies for the sustenance of peace and rule of law;

22.6. The Parties recognize the need for cooperation and coordination mechanism between the national police and other law enforcement agencies at all levels with regards to the implementation of this Agreement.

Page 24-27; CHAPTER II: POWER SHARING; PART II; 2. Institutions at the National Level

2.5. The Government of National Unity

2.5.6 The Government of National Unity shall be responsible for establishing recruitment systems and admission policies to national universities, national institutes, and other institutions of higher education based on fair competition, giving equal opportunity to all citizens.

2.6 Civil Service

2.6.1 The Government of National Unity shall also ensure that the National Civil Service, notably at the senior and middle-levels, is representative of the people of Sudan. In so doing, the following principles shall be recognized:-
[...]

2.6.1.6 Additional educational opportunities shall be created for war-affected people.

2.8 Language

2.8.3 Arabic, as a major language at the national level, and English shall be the official working languages of the National Government business and languages of instruction for higher education.

2.8.5 The use of either language at any level of government or education shall not be discriminated against.

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Page 41-43; CHAPTER II: POWER SHARING; PART V: Schedules

Schedule C: Powers of States

Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out hereunder:-
[...]

22. Primary and secondary schools and education administration in regard thereto;

Schedule D: Concurrent Powers

The National Government, the Government of Southern Sudan and State Governments, shall have legislative and executive competencies on any of the matters listed below during the Interim Period:-
[...]

3. Tertiary education, education policy and scientific research;

Page 81-82; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES; Schedules

Schedule (A): The Exclusive Executive and Legislative Competencies of the Two States: -

22. Primary and secondary school and education administration in regard thereto;

Schedule (B): Concurrent Powers

The National and State Governments shall have concurrent Legislative and Executive competencies on any of the matters listed below:-
[...]
3. Tertiary education, educational policy and scientific research;

Page 40-43; CHAPTER II: POWER SHARING; PART V: Schedules

Schedule A: National Powers

Exclusive competencies (Legislative and Executive Powers) of the National Government.
[...]
34. National information, publications, telecommunications regulations;

Schedule B: Powers of The Government of Southern Sudan

The exclusive legislative and executive powers of the Government of Southern Sudan shall be:
[...]
17. GOSS information, publications, media and telecommunications utilities;

Schedule C: Powers of States

Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out here under:
[...]
4. State information, state publications and state media;

Schedule D: Concurrent Powers

The National Government, the Government of Southern Sudan and State Governments, shall have legislative and executive competencies on any of the matters listed below during the Interim Period:
[...]
16. Information, Publications, Media, Broadcasting and Telecommunications;

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Media Reform

Page 81-82; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES; Schedules

Schedule (A) The Exclusive Executive and Legislative Competencies of the Two States: -
[...]
5. State information, state publications and state media;

Schedule (B): Concurrent Powers

The National and State Governments shall have concurrent Legislative and Executive competencies on any of the matters listed below:-
[...]
14. Broadcasting and telecommunications utilities;

Page 95-100; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART I: The Ceasefire Arrangements

5. Principles of the Ceasefire

5.3. The permanent cessation of hostilities shall include final termination of the following activities:
[...]
5.3.6. Hostile propaganda from inside or outside the country;

10. Violations

10.1. The following acts shall constitute violations to this Agreement:
[...]

10.1.7. Hostile propaganda and media warfare;

10.2 In event of any violation to provisions of this Agreement, the CJMC will determine appropriate disciplinary measures which may include, where appropriate, the following:

10.2.1. Publicizing or mentioning the parties that took part in the violations;

10.3. The hostile propaganda as provided in sub-section 10.1.7 above shall be comprehensively monitored by CJMC as part of the ceasefire monitoring process;

10.4. Without prejudice to the freedom of press and media, the Parties agree to set up a Joint Media Committee upon signing of the Comprehensive Peace Agreement to establish guidelines for the media and press to enhance conducive environment for the smooth implementation of the ceasefire.

Page 87; CHAPTER VI: SECURITY ARRANGEMENTS

1. Status Of The Two Armed Forces

c. The parties agree to the principles of proportional downsizing of the forces on both sides, at a suitable time, following the completion of the comprehensive ceasefire arrangements.

3. Redeployment

a. The two forces shall be disengaged, separated, encamped and redeployed as will be detailed in the Comprehensive Ceasefire Agreement.

b. Except for those deployed in the Joint/Integrated Units (JTUs), the rest of the forces of SAF currently deployed in the south shall be redeployed North of the South/North border of 1/1/1956 under international monitoring and assistance within and up to two and one half years (2 1/2) from the beginning of the Pre-Interim Period .

c. Except for those deployed in the Joint/Integrated Units, the rest of SPLA forces currently deployed in Nuba Mountains and Southern Blue Nile shall be redeployed South of the South/North border of 1/1/1956 as soon as the Joint/Integrated Units are formed and deployed under international monitoring and assistance.

tr_ddd

Demobilization,
Disarmament &
Reintegration

d. The SPLM/A undertakes that the demobilized Southern Sudanese from those currently serving in SAF in Southern Sudan shall be absorbed into various institutions of the Government of Southern Sudan along with demobilized SPLA soldiers.

e. The parties agree to implement with the assistance of the international community DDR programmes for the benefit of all those who will be affected by the reduction, demobilization and downsizing of the forces as agreed in 1(c) ,3(d) and 7(d)).

Page 94-106; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART I: The Ceasefire Arrangements

1. General and Fundamental Provisions

1.14 The Parties agree not to arm, train, harbour on their respective areas of control, or render any form of support to external subversive elements or internal armed groups;

7. Duration and Calendar of Major Ceasefire Activities

7.1. Duration of the ceasefire shall be divided into four phases:

7.1.1 Phase I: The Pre-interim Period duration 6 months (D-day to Dday + 6 months) ceasefire activities shall start (as per attached lists), including the redeployment of SAF from the South to the North, the beginning of the Demobilization, Disarmament, Reintegration and Reconciliation (DDRR), the

redeployment of SPLA forces from Eastern Sudan, the formation, co-location in training centres, training of the Joint/Integrated Units (JIUs) and the UN monitoring.

7.1.2 Phase II: First half of the Interim Period duration 36 months (D-day+ 6 months to D - d a y + 42 months). This phase shall cover the completion of deployment of the JIUs, redeployment of the SPLA forces from the Eastern Sudan to the South, redeployment of the SPLA forces from Nuba Mountains and Southern Blue Nile to the South and redeployment of SAF from the South to the North. The DDR activities shall continue. The negotiations on proportionate downsizing shall also start at this phase.

7.1.3 Phase III: Second half of the Interim Period duration 36 months (D-day + 42 months to D-day + 78 months). Continuation of DDR process, training and the monitoring process. Development of plans and modalities of transforming the JIUs into integrated ones.

8. Disengagement

8.10 The Parties shall provide detailed data on their inventories and stocks including different weapons and munitions, fuel oil and lubricants, etc., and their exact locations to CJMC or the VMT in the ceasefire zone. Such inventories shall be verified immediately after the declaration of the ceasefire. The Parties shall agree on ways and means of monitoring such stocks and/or stores to make sure that they are no longer accessible to the Parties.

11. Other Armed Groups

11.5. The OAGs CC shall, inter alia, perform the following functions:
[...]

11.5.8. Monitor the DDR programme for the OAGs.

11.6. DDR programme for the OAGs shall be worked out by Southern Sudan DDR Commission (SSDDRC) by the end of the Pre-Interim Period with technical assistance from international experts. All integration options shall be open in that programme.

12. Foreign Insurgency Groups

12.3. The parties shall work together to disarm, repatriate or expel these groups as soon as possible.

14. The Ceasefire Political Commission (CPC)

[...]

14.6. Ceasefire Joint Military Committee (CJMC)

[...]

14.6.5. The CJMC shall have the following functions:

[...]

14.6.5.4 Coordinate monitoring and verification of disengagement, disarmament and redeployment of the forces as agreed upon in this Agreement;

[...]

14.6.5.7 Monitoring troop strength, stocks of arms, ammunitions and other war-related equipment;

[...]

14.6.5.14 help Parties in disarming and reintegrating armed groups;

14.6.5.15 monitor and verify the disarmament of all Sudanese civilians who are illegally armed;

15. UN Peace Support Mission

15.5. The parties agree that the presence and size of the UN peace support mission shall be determined by the implementation timetable of this Agreement (disengagement, disarmament, redeployment, etc) and shall gradually phase out with successful implementation of the timetables, increased confidence building, and commitment of the parties towards the implementation of this Agreement.

Page 111-16; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART II: The Armed Forces

19. Optimal Size of the Armed Forces

After the Completion of SAF redeployment to the North the parties shall begin the negotiations on proportionate downsizing. Nonetheless, the parties shall allow voluntary demobilization, demobilization of non-essentials (child soldiers and elderly, disabled) during the first year of Interim Period.

21. Funding of the Armed Forces

21.1. During the Interim Period, SAF forces and JIUs shall be funded by the National Government, whereas the SPLA forces shall be funded by the Government of Southern Sudan, subject to the principle of proportional downsizing as per Security Arrangements Protocol and the approval of Southern Sudan Legislature. To meet this obligation, the Government of Southern Sudan shall raise financial resources from both local and foreign sources and seek international assistance. These financial resources shall be channeled through the Bank of Southern Sudan and managed according to the principles of Wealth Sharing Protocol.

Page 118-21; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; Part III: Demobilization, Disarmament, Re-Integration and Reconciliation

23. Objectives

23.1 The overarching objective of the DDR process is to contribute to creating an enabling environment to human security and to support post-peace-agreement social stabilization across the Sudan, particularly war affected areas.

23.2 The DDR programme shall take place within a comprehensive process of national reconciliation and healing throughout the country as part of the peace and confidence building measures.

24. Guiding Principles

24.1 In implementing the DDR programme the Parties agree that the implementing organs shall be guided by the following common principles:

24.2. The national ownership of the process and that the capabilities of the National Institutions shall be built to effectively lead the overall DDR process; for this purpose efficient planning, implementation and supervisory institutions shall be established to operate as soon as possible.

24.3. That the DDR process in the Sudan shall be led by recognized state institutions and international partners shall only play a supportive role to these institutions. The process shall be sustained through cooperation and coordination with local NGOs and active support from the international community by facilitating and extending material and technical assistance throughout the entire DDR process and the transition from war to peace.

24.4. That no DDR planning, management or implementation activity shall take place outside the framework of the recognized interim and permanent DDR institutions referred to in paragraphs 25.1 and 25.2. here under.

24.5. Fairness, transparency, equitability and consistency for determining the eligibility of ex-combatants targeted for assistance.

24.6. Ex-combatants shall be treated equitably irrespective of their previous military affiliations; as well, they shall be empowered by provision of training and information to voluntarily choose their path to reintegration. The reintegration process shall be community based and equally benefits returnees and local communities.

24.7. That the DDR is mostly a civilian process although the military input is vital. While disarmament and demobilization are mainly military, the civilian

efforts in reintegration are paramount, particularly with reference to decisions of methodology and organization. The military will have input but the decisions and implementation of 'such programmes are the responsibility of the relevant institutions created for this purpose.

24.8. The DDR programme shall be, gender sensitive and shall encourage the participation of the communities and the civil society organizations with the view' to strengthening their capacities to play their role in improving and sustaining the social and economic reintegration of former combatants.

24.9. The demobilization of all child soldiers within six months of the signature of the Comprehensive Peace Agreement.

24.10. The identification and registration within six months from the signature of the Comprehensive Peace Agreement of all children separated from their families for family tracing and ultimate reunification;

24.11. UNICEF, JCRC and other international organizations are called upon to assist in the child component of the DDR in the Sudan;

24.12. That adequate financial and logistical support shall be mobilized by the international community including governments, governmental agencies, humanitarian organizations and non-governmental organizations (NGOs).

24.13. The observance of a high level of transparency and accountability with respect to the DDR programmes financial management.

24.14. The maintenance of an appropriate and optimal degree of flexibility to respond to the emerging needs on the ground in a timely manner.

25. DDR Institutions

25.1. To realize the best objective of the DDR process in the entire country, and to avoid any possibilities of relapsing into war, the Parties state their dedication to undertake timely steps to establish the following institutions to plan, manage and implement the DDR programmes:

25.1.1. The National DDR Coordination Council (NDDRCC), with the prime responsibility of policy formulation, oversight, review, coordination and evaluation of the progress of the Northern and Southern Sudan DDR commissions referred to in 25.1.2 hereunder. The NDDRCC shall be appointed by and accountable to the Presidency.

25.1.2. The Northern Sudan DDR Commission (NDDRC) and the Southern Sudan DDR Commission (SDDRC) shall be mandated to design, implement and manage the DDR process at the northern and southern sub-national levels respectively.

25.1.3. The State DDR commissions shall be entrusted with the responsibility of implementation of the programmes at the state and local levels.

25.2. Until the aforementioned institutions are established the Parties agree to put in place Interim DDR bodies to:

25.2.1. Act as bases for the future Sub-National DDR institutions established in 25.1 above.

25.2.2. Coordinate and prepare detailed DDR proposals.

25.2.3. Commence technical discussion with international donors and agencies regarding partnership and funding requirements and modalities for the DDR implementation programmes.

25.2.4. Coordinate with the UN-DPKO mission on issues pertaining to DDR.

25.2.5. Prepare draft operational proposals for DDR programmes.

25.2.6. Prepare to establish formal DDR capacity building and facilitate training in DDR through seminars, workshops and study tours.

25.2.7. Coordinate joint DDR preparatory activities.

25.2.8. Prepare in collaboration with the international actors data collection, including socio-economic surveys in the areas where the DDR programmes will be implemented and undertake needs assessment to provide data on target groups.

26. Previous Contractual Obligations

Recognizing that both Parties have existing contractual arrangements with international organizations and agencies related to DDR, the Parties agree:

26.1. To commence a process of negotiations with these agencies and organizations to close down and transfer current DDR-related activities to the incoming DDR institutions.

26.2. That the interim DDR bodies shall undertake the task of leading and concluding these negotiations, and shoulder the operational responsibility of the activities thereafter.

27. Humanitarian and General Provisions

27.1. Upon signature of the Comprehensive Peace Agreement, the Parties shall:

27.1.1. exchange information on Missing in Action and shall trace them to their best efforts;

27.1.2. agree to lifting the state of emergency in the Sudan except in areas where conditions do not permit;

27.2. The Parties agree that the issue of the release of all civil political detainees as part of the confidence building measures, national healing and reconciliation process shall be discussed on and dealt with within the discussions on the implementation modalities.

27.3. Humanitarian law and civil and political rights shall be closely observed.

27.4. Collateral, secondary agreements and legislation shall not contradict this Agreement and shall be equally binding on the Parties.

27.5. The Parties shall call upon the governments at all levels, civil societal organizations, political forces, national NGOs and international community to assist and facilitate the reconciliation process at grass root levels.

Page 17; CHAPTER II: POWER SHARING; PART I; 1. General Principles

1.8 Population Census, Elections and Representation

1.8.1 Population census throughout the Sudan shall be conducted and completed by the end of the second year of the Interim Period;

1.8.2 The preparation, planning and organization for the census shall commence as soon as the Peace Agreement is signed;

1.8.3 General Elections at all levels of government shall be completed by the end of the third year of the Interim Period;

1.8.4 Six months before the end of the periods referred to in Sub-Paragraphs 1.8.1 and 1.8.3 the Parties shall meet and review the feasibility of the dates set out in the above-mentioned sub-Paragraphs.

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Transitional
Timeline

Page 21; CHAPTER II: POWER SHARING; PART II; 2. Institutions at the National Level; 2.3 The National Executive

2.3.12 The President shall, within Thirty (30) days of the entry into force of the Peace Agreement, and in consultation with the First Vice President, establish a Council of Ministers, having due regard to the need for inclusiveness and diversity in the establishment of a Government of National Unity. The Cabinet Ministers shall be accountable to the President and the National Assembly in the performance of their functions and may be removed by a resolution supported by two-thirds (2/3) of all the members of the National Assembly.

Page 26; CHAPTER II: POWER SHARING; PART II; 2. Institutions at the National Level; 2.6 Civil Service:

2.6.2 In order to create a sense of national belonging and address imbalances in the National Civil Service, a National Civil Service Commission shall be established with the task of-

[...]

2.6.2.3 Reviewing, after the first three (3) years of the beginning of the Interim Period the progress made as a result of the policies and setting new goals and targets as necessary, taking into account the census results.

Page 30; CHAPTER II: POWER SHARING; PART II; 2. Institutions at the National Level; 2.12 Constitutional Review Process

2.12.4 After the Agreement has been signed:-
[...]

2.12.4.2 A representative National Constitutional Review Commission shall be established, as is more fully described below, which shall within six (6) weeks of receipt of the Agreement prepare a Legal and Constitutional Framework ("The Constitutional Text");

Page 68; CHAPTER IV: THE RESOLUTION OF THE ABYEI CONFLICT; 5. Determination of Geographic Boundaries

5.2 The composition and timeframe of the Abyei Boundaries Commission (ABC) shall be determined by the Presidency. However, the Commission shall include, inter alia, experts, representatives of the local communities and the local administration. The Commission shall finish its work within the first two years of the Interim Period.

Page 74; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES; 3. Popular Consultation

3.3 That the legislatures of the two States shall each establish a Parliamentary Assessment and Evaluation Commission to assess and evaluate the implementation of the agreement in each State. The two Commissions shall submit their reports to the legislatures of the two States by the fourth year of the signing of the Comprehensive Peace Agreement.

Page 89; CHAPTER VI: SECURITY ARRANGEMENTS; 6. Common Military Doctrine

The parties shall develop a common military doctrine as a basis for the Joint/Integrated Units, as well as a basis for a post Interim Period army of the Sudan, if the referendum vote is in favour of unity. The parties shall develop this common doctrine within one year from the beginning of the Interim Period. During the Interim Period, the training of the SPLA (in the South), the SAF (in the North) and the joint units (in both North and South) will be based on this common doctrine.

Page 95; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART I: The Ceasefire Arrangements; 2. Entry into Force

The Ceasefire Agreement (hereinafter referred to as the Agreement or this Agreement) shall come into effect from the date of signature of the Comprehensive Peace Agreement (that day hereafter referred to as D-Day).

Page 101; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART I: The Ceasefire Arrangements; 11. Other Armed Groups

11.4. The Parties agree to adopt a collaborative approach for handling OAGs and to establish by D day + 15 days an OAGs Collaborative Committee (OAGs CC) which shall comprise equal number of representatives from both parties (three each) and an independent observer from UN.

11.7. Upon signature of this Agreement, the process of incorporation of individual members of all other armed groups, who desire and qualify shall start as soon as possible into the ranks of either SAF or SPLA or integrated

into organized forces (Police, Prisons and Wildlife Services), while the rest shall be reintegrated into the civil service or civil society institutions.

11.8. By D Day + 6 months, the OAGs Collaborative Committee after ascertaining the strength and armament conditions of OAGs units, shall ensure freedom of choice for all OAGs members to join either Party they so desire to be incorporated in, provided that no other armed groups shall continue to have a separate existence outside the command of either SAF or SPLA.

11.9. By D Day + 12 Months, the OAGs Collaborative Committee shall finish the incorporation process of OAGs members who desire and qualify into the armed forces of either Party and Police, Prisons, Wildlife Service and Civil Service.

[...]

Page 110-13; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART II: The Armed Forces

18. Redeployment

18.2. SAF commits to redeploy its forces as per Article 3(b) of the Agreement on Security Arrangements to the North of South/North border of 1/1/1956 beginning from the Pre Interim Period according to the following steps:

- a) Step I: Reduction by seventeen percent (17%) by D-day + 6 months;
- b) Step 11: Reduction by fourteen percent (14%) by D-day + 12 months;
- c) Step 111: Reduction by nineteen percent (19%) by D-day + 18 months;
- d) Step IV: Reduction by twenty-two percent (22%) by D-day + 24 months;
- e) Step V: Complete redeployment of the remainder twenty-eight percent (28%) by D-day + 30 months.

18.3. SPLA commits to redeploy its forces pursuant to Article 3(c) and Article 4(c)(V)(a) of the Agreement on Security Arrangements as detailed below.

18.4. The SPLA forces in the eastern Sudan shall be redeployed to the south of North/South border of 1/1/1956 beginning from pre-interim period according to the following steps:

- a) Reduction by thirty percent (30%) by D-day + four months.
- b) Reduction by forty percent (40%) by D-day+ 8 months.
- c) Complete redeployment of the remainder thirty percent (30%) by D-day 12 months.

18.5. The SPLA shall complete redeployment of its excess forces from Southern Blue Nile and Southern Kordofan/Nuba Mountains within six months of the deployment of the JIUs in those areas.

19. Optimal Size of the Armed Forces

After the Completion of SAF redeployment to the North the parties shall begin the negotiations on proportionate downsizing. Nonetheless, the parties shall allow voluntary demobilization, demobilization of non-essentials (child soldiers and elderly, disabled) during the first year of Interim Period.

20. The Status of Joint Integrated Units

20.3. Notwithstanding sub-sections 20.10.1, 20.10.2, 20.10.3, 20.10.4, and 20.10.5, formation, training, tasking and deployment of JIUs formations and sub-formations shall be completed not later than D-day + 21 months.

20.4. At the initial stage of the formation of the JIUs, SAF component shall be liable to relief "after two years of deployment". Nonetheless, they shall be locked-in by D-day + 33 months.

20.5. At the inception, the JIUs shall remain in their joint form. However, the process of full integration shall be completed by D-day + 52 months.

20.10 Training of the Joint Integrated Units

20.10.1. Both Armed Forces (SAF and SPLA) shall complete selection and organization of officers, Non-Commissioned Officers (NCOs) and men for the JIUs within three months from the beginning of the Pre-Interim Period.

20.10.2. Notwithstanding sub-section 20.3 above, the JIUs components from both Parties shall be formed within three months from the Pre-Interim Period and co-locate in their various training centres to be trained for not less than six months after which they shall be tasked and deployed.

[...]

20.13. The JIUs Composition and Organization

20.13.1 Composition

20.13.1.2. By D-Day + 12 months, SPLA nominated personnel shall commence training in the service arms of the Airforce, Navy and Air Defence, so as to make available SPLA contribution to the JIUs Service Arms which shall be established as per sub-section 20.13.1.3 below;

20.13.1.3. By D-Day+36 months, the first JIUs service arms unit shall be established, others shall follow according to the graduation of qualified SPLA JTUs personnel as determined by the JDB, further training may continue according to the needs as may be decided by the JDB;

20.13.1.4. SAF component of the JIUs service arms shall be nominated and assigned as soon as the SPLA component of JIUs service arms is trained and graduated;

Page 119; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART III: Demobilization, Disarmament, Re-Integration and Reconciliation; 24. Guiding Principles

24.9. The demobilization of all child soldiers within six months of the signature of the Comprehensive Peace Agreement.

24.10. The identification and registration within six months from the signature of the Comprehensive Peace Agreement of all children separated from their families for family tracing and ultimate reunification;

Page 126-28; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; Appendix 2: Calendar and Timetable of Major Ceasefire Activities

M - Day date of issuance of Security Council Resolution which will include mandate (M - Day estimated to be D - pay + 14 days)

Pre-interim Period

Major ceasefire activities (a) / Proposed time (b) / Responsible Authority (c)

1. Entry into force of the ceasefire;

Upon signature of Comprehensive Peace Agreement. D-day
The two parties/ current monitoring teams.

2. Submission of detailed lists of size, particulars and locations of all forces to current monitoring teams;

D-Day

The two parties/ current monitoring teams. The Presidency

3. Lifting of state of emergency in Ceasefire Zone.

D-Day

4. Establishment of demining mechanism

D-Day+ 72 hours

The two parties

5. Announcement and dissemination of information on ceasefire.

D-Day+ 72hours

The two parties

6. Cessation of hostilities, including cessation of hostile propaganda.

D-Day+ 72 hours

The two parties

7. Establishment of Joint Media Committee.

D-Day+72 hours

The two parties

8. Establishment of Collaborative Committee.

D-Day+ 15 days

The two parties and the UN

9. Establishment of Incorporation and Reintegration Adhoc Committees.

D-Day+ 15 days

Each party

10. Release of POWs

DD+ 30 days

The parties and ICRC

11. Establishment of JDB

D-Day+ 30 days

The two parties

12. Establishment of CPC

D-Day+ 30 days

The two parties

13. Establishment of CJMC

M-Day+30 days Operational by M – day + 45 days

The UN monitoring mission and the two parties

14. Mobilization of international monitors and observers as well as mobilization of funds.

Starts M - Day + 30 days

The two parties + donors +UN

15. Disengagement and separation of and the forces. (phase one)

D-Day+ 30 days

The two parties UN monitoring mission

16. Establishment of National DDR Co-ordination Council and the two Sub-National Commissions

D-Day+ 30 days

The two parties

17. Deployment of UN monitoring mission

Starts M-Day+ 30 days

The UN

18. Establishment of AJMC and JMTs.

Starts M-Day+75 days, operational by M-day +90 day

The two parties and the UN

19. Mandate of the current monitoring teams ends and UN verification and monitoring starts.

M-Day+ 90 days

The two parties/ The UN monitoring mission

20. Redeployment of SAP and SPLA as per section 18 of this Agreement.

D-Day+ 90 days

The two parties and the UN monitoring

21. Deployment of JIU s in Khartoum! Juba.

D-Day+ 60 days

The two parties

22. Establishment of nus co-location and training

D-Day+ 90 days

The two parties

23. Concentration of forces in agreed upon assembly areas.

D-Day+ 90 days

The two parties and the UN monitoring mission

First half of the Interim Period

Major ceasefire activities (a) / Proposed time (b) / Responsible Authority (c)

1. Deployment of JIUs to their different locations.

D-Day+ 9 months

The two parties

2. Completion of SPLA redeployment from Eastern Sudan

D-Day+ 12 months

The SPLA and the UN monitoring mission

3. Beginning of training of SPLA nominated personnel to new service arms.

D-Day+12 months

The two parties

4. Common doctrine and code of conduct.

D-Day+12 months

The two parties

5. Non-essentials (section 19) reinsertion and reintegration into civilian society

D-Day+ 12 months

DDR and the two parties

6. Completion of SPLA redeployment from Nuba Mountains and Southern Blue Nile

D-Day+15 months

The SPLA and the UN monitoring mission

7. Completion of SAF redeployment from south to North Sudan

D-Day+ 30 months

The SAF and the UN monitoring mission

8. Continuation of DDR process

continue

The two parties and international experts (DDR)

9. Disarmament of non-military personnel and international experts (DDR)

Continue

The two parties

10. The UN verification and monitoring

Continue

The UN monitoring mission

11. Establishment of the first Joint/Integrated service arms unit.

D-Day+ 36 months

The two parties

Second half of the Interim Period

(a) (b) (c)

1. Continuation of DDR process

Continue

DDR

2. Continuation of training programmes

Continue

JIU s command

25. Continuation of establishment of JIUs Service Arms

Continue

The two parties

3. Development of ideas and modalities of transforming the JIU s into integrated ones.

starts

The two parties

4. Termination of UN Monitoring Mission

D-day + 78 months.

The two parties

5. Extension of the mandate of UN Monitoring Mission

Depending on the recommendations of ex-post appraisal by the parties.

The two parties

Post Interim Period

(a) (b) (c)

1. review of the situation

Post interim + 30 days

The two parties

2. Formation of SNAF in case of unity confirmed or dissolution of JIUs in case of secession.

Post interim + 90 days

The two parties

Page 141-68; ANNEXURE II: IMPLEMENTATION MODALITIES AND GLOBAL IMPLEMENTATION MATRIX AND APPENDICES; The Implementation Modalities of the Machakos and Power Sharing Protocols

[...]

Page 175-206; ANNEXURE II: IMPLEMENTATION MODALITIES AND GLOBAL IMPLEMENTATION MATRIX AND APPENDICES; The Implementation Modalities of the Framework Agreement on Wealth Sharing

[...]

Page 211-16; ANNEXURE II: IMPLEMENTATION MODALITIES AND GLOBAL IMPLEMENTATION MATRIX AND APPENDICES; The Implementation Modalities of the Protocol on the Resolution of The Abyei Conflict

[...]

Page 221-28; ANNEXURE II: IMPLEMENTATION MODALITIES AND GLOBAL IMPLEMENTATION MATRIX AND APPENDICES; The Implementation Modalities of the Protocol on The Resolution of Conflict In Southern Kordofan and Blue Nile States

[...]

Page 12-18; CHAPTER II: POWER SHARING; PART I; 1. General Principles

1.4 The Parties agree that the following principles shall guide the distribution of powers and the establishment of structures:

[...]

1.4.6 Recognizing the need to legitimize the arrangements agreed to herein, fair electoral laws shall be adopted, including the free establishment of political parties. Elections at all levels of government shall be held by universal adult suffrage.

1.6 Human Rights and Fundamental Freedoms

1.6.2. The rights and freedoms to be enjoyed under Sudanese law, in accordance with the provisions of the treaties referred to above, include in particular the following:

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Electoral & Political
Party Reform

[...]

1.6.2.11 Right to Vote

Every citizen shall have the right and the opportunity, without distinctions and unreasonable restrictions, to vote and to be elected at genuine periodic elections, which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

1.8 Population Census, Elections and Representation

[...]

1.8.3 General Elections at all levels of government shall be completed by the end of the third year of the Interim Period;

1.8.5 Certain considerations, while not conditional upon their completion, should be taken into account with respect to the timing of the elections (including, inter alia, resettlement, rehabilitation, reconstruction, repatriation, building of structures and institutions, and consolidation of the Peace Agreement);

1.8.6 Whoever runs in any election must respect, abide by, and enforce the Peace Agreement;

1.8.7 International observers shall participate in the observation of elections;

Page 19-27; CHAPTER II: POWER SHARING; PART II; 2. Institutions at the National Level

2.2. The National Legislature

[...]

2.2.3 The National Legislature shall be structured and operate as follows:

2.2.3.1 The National Assembly shall be elected in accordance with the procedures set forth by an impartial and representative Electoral Commission and in accordance with fair electoral laws;

[...]

2.2.3.3 Free and fair elections for the National Assembly shall be conducted in accordance with the Interim National Constitution governing the Interim Period. The date shall be determined by the Parties signatory to this Agreement, after consulting with the Electoral Commission.

[...]

2.2.4 Pending the elections referred to above, the National Assembly shall consist of such members representing the Parties to the Agreement, and other forces in the North and South so as to promote inclusiveness and stability, in such proportions to be determined by the parties prior to the conclusion of the Peace Agreement.

2.2.5 Prior to the Parliamentary elections, the seats of the National Assembly shall be allocated as follows:

[...]

2.3. The National Executive

[...]

2.3.7 The President shall be elected in national elections, the timing of which shall be subject to the agreement of the two parties. The President elect shall appoint two Vice Presidents, one from the South and the other from the North. If the President-elect is from the North, the position of the First Vice President shall be filled by the person who has been elected to the post of President of the Government of Southern Sudan, as the President's appointee to the said position. In the event that a person from the South wins the Presidential elections, the President-elect shall appoint the First Vice President from the North. All the other provisions in this agreement relating to the presidency shall continue to apply.

[...]

2.3.10 Should the post of the President fall vacant in the period after the elections, the post shall be filled through presidential elections which shall be held within sixty (60) days.

2.10 Other Independent and/or National Institutions to be Established in Accordance with the Peace Agreement

2.10.1 The National Constitutional Review Commission, as detailed in Section 2.12 herein, shall also detail the mandate and provide for the appointment and other mechanisms to ensure the independence of the following institutions

2.10.1.1 An impartial and representative National Electoral Commission;

Page 32-34; CHAPTER II: POWER SHARING; PART III; 3. Government of Southern Sudan

3.5 Legislature of Southern Sudan

3.5.1 Pending the elections, the First Southern Sudan Assembly shall be an inclusive, constituent legislature comprised of-
[...]

3.5.4 The Southern Sudan Constitution shall make provision for the Assembly of Southern Sudan to be re-constituted through elections in accordance with the provisions herein related to the timing of general elections. The Constitution of the Southern Sudan shall also make provision for the election of the President and appointment of the Vice President of the Government of Southern Sudan. Such elections shall be in accordance with the provisions set forth by the National Electoral Commission specified in sub-paragraph 2.10.1.1 herein.

3.6 The Southern Sudan Executive

3.6.4 Prior to elections, the Government of Southern Sudan shall be allocated as follows:-

3.6.4.1 The SPLM shall be represented by Seventy Percent (70%);

3.6.4.2 The NCP shall be represented by Fifteen Percent (15%);

3.6.4.3 The other Southern political forces shall be represented by Fifteen Percent (15%).

[...]

3.6.6 (a) Should the post of the President of GOSS fall vacant, and pending the nomination and swearing in of the new President, the functions of the President shall be assumed by the Vice President of GOSS;

(b) Should the post of the President of GOSS fall vacant in the period prior to elections, the Office of the President of GOSS shall be filled by a nominee of the SPLM within two (2) weeks;

(c) Should the post of the President fall vacant in the period after the elections, the post shall be filled through elections which shall be held within sixty (60) days.

Page 36-37; CHAPTER II: POWER SHARING; PART IV; 4. Institutions at the State level

4.3 Local Government is an important level of Government and its election, organization and proper functioning shall be the responsibility of the states, in accordance with the relevant state constitution.

4.4 The State Legislature

4.4.1 There shall be a State Legislature comprised of members elected in accordance with the electoral provisions herein and as set forth by the National Electoral Commission referred to in subparagraph 2.10.1.1 herein.

4.4.2 Pending the elections referred to in sub-article 4.4.1 herein, the composition of the state legislatures shall be comprised as follows:

4.4.2.1. The NCP is to hold Seventy Percent (70%) in the Northern states, and the SPLM Seventy Percent (70%) in the Southern states;

4.4.2.2. The remaining Thirty Percent (30%) in the Northern and the Southern states shall be allocated as follows:

(i) Ten Percent (10%) in the Southern states to be filled by the NCP;

(ii) Ten Percent (10%) in the Northern states to be filled by the SPLM; and

(iii) Twenty Percent (20%) in the Northern and Southern states to be filled by representatives of other Northern and Southern political forces respectively.

4.4.3. The elections referred to in sub-article 4.4.1. herein shall take place on the same date as the elections for the National Assembly referred to in Section 1.8.3.

4.5 The State Executive

4.5.1 Prior to elections the state executives shall be allocated as follows:

4.5.1.1 The NCP is to hold Seventy Percent (70%) in the Northern states, and the SPLM Seventy Percent (70%) in the Southern states;

4.5.1.2 The remaining Thirty Percent (30%) in the Northern and the Southern states shall be allocated as follows:

- (i) Ten Percent (10%) in the Southern states to be filled by the NCP;
- (ii) Ten Percent (10%) in the Northern states to be filled by the SPLM; and
- (iii) Twenty Percent (20%) in the Northern and Southern states to be filled by representatives of other Northern and Southern political forces, respectively.

**Page 39-42; CHAPTER II: POWER SHARING; PART V: Schedules;
Schedule A: National Powers**

Exclusive competencies (Legislative and Executive Powers) of the National Government.

[...]

37. Laws providing for National elections and their supervision by the Electoral Commission;

Schedule B: Powers of the Government of Southern Sudan

The exclusive legislative and executive powers of the Government of Southern Sudan shall be:

[...]

11. Referenda in Southern Sudan on matters affecting Southern Sudan as a whole within the competencies of Southern Sudan Government;

Schedule C: Powers of States

Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out hereunder:-

[...]

29. State referenda;

Page 65-69; CHAPTER IV: THE RESOLUTION OF THE ABYEI CONFLICT

1. Principles of Agreement on Abyei

1.2. Interim Period

1.2.2 Abyei will be administered by a local Executive Council, elected by the residents of Abyei. Pending the election of the Executive Council, its initial members will be appointed by the Presidency;

1.3 End of Interim Period

Simultaneously with the referendum for southern Sudan, the residents of Abyei will cast a separate ballot. The proposition voted on in the separate ballot will present the residents of Abyei with the following choices, irrespective of the results of the southern referendum:

- a. That Abyei retain its special administrative status in the north;
- b. That Abyei be part of Bahr el Ghazal.

2. Administrative Structure

2.2 Abyei area shall be administered by a local Executive Council, elected by the residents of Abyei. Pending the election of the Executive Council, its initial members shall be appointed by the Presidency.

2.4 The Executive Council shall be composed of the Chief Administrator, his/her Deputy and not more than five heads of departments. Prior to elections, the Chief Administrator and his/her Deputy shall be appointed by the Presidency. The Chief Administrator shall make recommendations to the Presidency regarding the appointments of the heads of departments.

4. Public Participation

4.2 Prior to elections, the Presidency shall appoint the members of the Abyei Area Council.

6. Residents of the Area

6.2 Residents of Abyei shall be citizens of both Western Kordofan and Bahr el Ghazal with representation in the legislatures of both States as determined by the National Electoral Commission. However, prior to elections, the Presidency shall determine such representation.

8. Abyei Referendum Commission

8.1 There shall be established by the Presidency an Abyei Referendum Commission to conduct Abyei referendum simultaneously with the referendum of Southern Sudan. The composition of the Commission shall be determined by the Presidency.

8.2 The residents of Abyei shall cast a separate ballot. The proposition voted on in the separate ballot shall present residents of Abyei with the following choices; irrespective of the results of the Southern referendum:

- a. That Abyei retain its special administrative status in the north;
- b. That Abyei be part of Bahr el Ghazal.

Page 74-80; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES

3. Popular Consultation

The Government of Sudan and the Sudan People's Liberation Movement (the Parties), committed to reaching a just, fair and Comprehensive Peace Agreement to end the war in Southern Kordofan/Nuba Mountains and Blue Nile States, agree on the following:-

[...]

3.2. That this comprehensive agreement shall be subjected to the will of the people of the two States through their respective democratically elected legislatures.

5. The State Executive

5.1. The Governor of the State shall be directly elected by the registered voters of the State in a public adult suffrage.

6. The State Legislature

6.1. Members of the State Legislature (SL) shall be elected by the registered voters of the State in accordance with the State Law and in conformity with the general guidelines as set forth by electoral provisions as set forth by the National Electoral Commission.

11. Pre-Election Arrangements

11.1. As part of pre-election arrangements, the Parties agree on the following:-

11.1.1. The Executive and Legislature in the two states shall be allocated as follows:-

- (a) Fifty-five Percent (55%) to the National Congress Party;
- (b) Forty-five Percent (45%) to the SPLM.

11.1.2. There shall be rotational governorship in the two states with each Party holding the Office of Governor for half of the pre-election period in each of the two states.

11.1.3 No one Party is to hold the Governorship in both states at the same time.

11.1.4 The office of Deputy Governor is to be allocated to the Party that is not presently occupying the Office of Governor.

11.2 Pending general elections, and as part of affirmative action, the Parties agree that Southern Kordofan/Nuba Mountains and Blue Nile States shall be adequately represented in National Institutions targeting a percentage not less than the ratio of their population size.

Page 1; CHAPTER I: THE MACHAKOS PROTOCOL; Preamble, Principles, And The Transition Process

MINDFUL THAT THE CONFLICT IN THE Sudan is the longest running conflict in Africa, that is has caused horrendous loss of life and destroyed the infrastructure of the country, wasted economic resources, and has caused untold suffering, particularly with regard to the people of South Sudan; and

SENSITIVE to historical injustices and inequalities in development between the different regions of the Sudan that need to be redressed; and

Page 2; CHAPTER I: THE MACHAKOS PROTOCOL; PART A: Agreed Principles

1.5 That the people of the Sudan share a common heritage and aspirations and accordingly agree to work together to:

[...]

1.5.2. Find a comprehensive solution that addresses the economic and social deterioration of the Sudan and replaces war not just with peace, but also with social, political and economic justice which respects the fundamental human and political rights of all the Sudanese people.

1.5.4. Formulate a repatriation, resettlement, rehabilitation, reconstruction and development plan to address the needs of those areas affected by the war and redress the historical imbalances of development and resources allocation.

Page 33-34; CHAPTER II: POWER SHARING; PART III; 3. Government of Southern Sudan

3.6 The Southern Sudan Executive:

[...]

3.6.5 The Government of Southern Sudan shall discharge its obligations and exercise such rights and powers in regard to administration, security, financial, and development issues as is set forth in the Southern Sudan Constitution, the Interim National Constitution, the Peace Agreement and any other agreement relating to the reconstruction and development of the Southern Sudan.

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Socio-Economic
Development

Page 39-42; CHAPTER II: POWER SHARING; PART V: Schedules

Schedule A: National Powers

Exclusive competencies (Legislative and Executive Powers) of the National Government.

[...]

15. National Lands and National natural resources;

[...]

29. International and Inter-State Transport, including roads, airports, waterways, harbours and railways;

[...]

33. Nile Water Commission, the management of the Nile Waters, transboundary waters and disputes arising from the management of interstate waters between Northern states and any dispute between Northern and Southern states;

Schedule B: Powers of The Government of Southern Sudan

The exclusive legislative and executive powers of the Government of Southern Sudan shall be:

6. Planning for Southern Sudan Government services including health, education, and welfare, etc;

[...]

8. Development of financial resources for the Government of Southern Sudan;

9. The co-ordination of Southern Sudan services or the establishment of minimum Southern Sudan standards or the establishment of Southern Sudan uniform norms in respect of any matter or service referred to in Schedule C or Schedule D, read together with Schedule E, with the exception of Item 1 of Schedule C, including but not limited to, education, health, welfare, police

(without prejudice to the National Standards and Regulations), prisons, state public services, such authority over civil and criminal laws and judicial institutions as is specified in the Schedules, lands, reformatories, personal law, intra-state business, commerce and trade, tourism, environment, agriculture, disaster intervention, fire and medical emergency services, commercial regulation, provision of electricity, water and waste management services, local Government, animal control and veterinary services, consumer protection, and any other matters referred to in the above Schedules;

[...]

16. Reconstruction and development of the Southern Sudan as a whole, subject to the provisions of the Wealth Sharing Agreement;

[...]

18. Rehabilitation and benefits to disabled war veterans, orphans, widows and care for the dependents of deceased war fallen heroes;

19. Any matter relating to an item referred to in schedule D that cannot be dealt with effectively by a single State and requires GOSS legislation or intervention including, but not limited to the following:

[...]

19.2. Natural resources and forestry;

19.3. Town and rural planning;

19.4 Disputes arising from the management of interstate waters strictly within Southern Sudan;

19.5. Fire fighting and ambulance services;

Schedule C: Powers of States

Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out here under:

[...]

8. State Land and State Natural Resources;

[...]

13. The management, lease and utilization of lands belonging to the State;

[...]

21. The development, conservation and management of State natural resources and State forestry resources;

[...]

27. Pollution control;

[...]

31. Quarrying regulations, (subject to the Agreement on Wealth Sharing);

[...]

36. State irrigation and embankments;

[...]

42. Fire fighting and ambulance services;

Schedule D: Concurrent Powers

The National Government, the Government of Southern Sudan and State Governments, shall have legislative and executive competencies on any of the matters listed below during the Interim Period:

1. Economic and Social Development in Southern Sudan;

[...]

3. Tertiary education, education policy and scientific research;

4. Health policy;

5. Urban development, planning and housing;

6. Trade, commerce, Industry and industrial development;

7. Delivery of public services;

[...]

12. River transport;

13. Disaster preparedness, management and relief and epidemics control;

[...]

15. Electricity generation and water and waste management;

[...]

17. Environmental management, conservation and protection;

18. Relief, Repatriation, Resettlement, Rehabilitation and Reconstruction;

[...]

20. Financial and economic policies and planning;

[...]

27. Water Resources other than interstate waters;

[...]

31. Human and animal drug quality control.

1. Guiding Principles in Respect of an Equitable Sharing of Common Wealth

1.1 The Parties agree that the guiding principles and provisions below shall be the basis for the comprehensive text on Wealth Sharing.

1.2 The wealth of Sudan shall be shared equitably so as to enable each level of government to discharge its legal and constitutional responsibilities and duties.

1.3 The National Government shall also fulfil its obligation to provide transfers to the Government of Southern Sudan.

1.4 The sharing and allocation of wealth emanating from the resources of the Sudan shall ensure that the quality of life, dignity and living conditions of all the citizens are promoted without discrimination on grounds of gender, race, religion, political affiliation, ethnicity, language, or region. The sharing and allocation of this wealth shall be based on the premise that all parts of Sudan are entitled to development.

1.5 The Parties agree that Southern Sudan faces serious needs to: (i) be able to perform basic government functions, (ii) build up the civil administration, and (iii) rehabilitate and reconstruct/construct the social and physical infrastructure in a post-conflict Sudan.

1.6 The Parties agree that Nuba Mountains, Southern Blue Nile, Abyei and other war affected areas face serious needs to: (i) be able to perform basic government functions, (ii) establish and build civil administration and (iii) rehabilitate and reconstruct/construct the social and physical infrastructure in a post-conflict Sudan.

1.7 That, without prejudice to the provisions of paragraph 1.3 herein, Southern Sudan, and those areas in need of construction/reconstruction, shall be brought up to the same average level of socio-economic and public services standard as the Northern states. To achieve these objectives will take time and effort to build up local institutional, human and economic capacity. For this purpose, two special funds shall be established as provided herein.

1.8 That revenue sharing should reflect a commitment to devolution of power and decentralisation of decision-making in regard to development, service delivery and governance.

1.9 The development of infrastructure, human resources, sustainable economic development and the capacity to meet human needs shall be conducted within a framework of transparent and accountable government.

1.10 That the best known practices in the sustainable utilization and control of natural resources shall be followed.

1.11 This Agreement sets out the respective types of income, revenue, taxes and other sources of wealth to which the various levels of government are entitled.

1.12 The Parties recognize that the National Government, during the Interim Period, will need to mobilize additional national resources.

1.13 There is a limit on how much additional national resources can be mobilized and part of the national needs in a post-conflict Sudan will have to be met by external assistance.

1.14 The National Government shall not withhold an allocation due to a state/regional or the Government of Southern Sudan. Any level of Government may initiate proceedings in the Constitutional Court should any other organ or level withhold monies due to it. The National Government shall make transfers to the Government of Southern Sudan based on the principles established.

1.15 In agreeing to these wealth sharing arrangements the Parties signal to the international community that it will have to play a strong and constructive role in providing post-conflict construction/reconstruction assistance to Sudan,

especially to Southern Sudan and other war affected and least developed areas.

1.16 The National Government shall assist the Government of Southern Sudan, during the Pre-Interim Period, in cooperation with international organizations, to develop and implement a program for capacity enhancement in the South. The highest priority should be public finance and intergovernmental relations, including expenditure management to ensure accountability.

2. Ownership of Land and Natural Resources

2.1 Without prejudice to the position of the Parties with respect to ownership of land and subterranean natural resources, including in Southern Sudan, this Agreement is not intended to address the ownership of those resources. The Parties agree to establish a process to resolve this issue.

2.2. The Parties agree that the regulation, management, and the process for the sharing of wealth from subterranean natural resources are addressed below.

2.3. The Parties record that the regulation of land tenure, usage and exercise of rights in land is to be a concurrent competency exercised at the appropriate levels of government.

2.4. Rights in land owned by the Government of Sudan shall be exercised through the appropriate or designated levels of Government.

2.5. The Parties agree that a process be instituted to progressively develop and amend the relevant laws to incorporate customary laws and practices, local heritage and international trends and practices.

2.6 Without prejudice to the jurisdiction of courts, there shall be established a National Land Commission that shall have the following functions:

2.6.1 Arbitrate between willing contending Parties on claims over land, and sort out such claims.

2.6.2 The party or group making claims in respect of land may make a claim against the relevant government and/or other Parties interested in the land.

2.6.3 The National Land Commission may at its discretion entertain such claims.

2.6.4 The Parties to the arbitration shall be bound by the decision of the National Land Commission on mutual consent and upon registration of the award in a court of law.

2.6.5 The National Land Commission shall apply the law applicable in the locality where the land is situated or such other law as the Parties to the arbitration agree, including principles of equity.

2.6.6 Accept references on request from the relevant government, or in the process of resolving claims, and make recommendations to the appropriate levels of government concerning:

2.6.6.1 Land reform policies;

2.6.6.2 Recognition of customary land rights and/or law.

2.6.7 Assess appropriate land compensation, which need not be limited to monetary compensation, for applicants in the course of arbitration or in the course of a reference from a court.

2.6.8 Advise different levels of government on how to co-ordinate policies on national projects.

2.6.9 Study and record land use practices in areas where natural resource exploitation occurs.

2.6.10 The National Land Commission shall be representative and independent. The composition of the membership and terms of appointment of the National Land Commission shall be set by the legislation constituting it. The Chairperson of the National Land Commission shall be appointed by the Presidency.

2.6.11 The National Land Commission may conduct hearings and formulate its own rules of procedure.

2.6.12 The National Land Commission will have its budget approved by the Presidency and will be accountable to the Presidency for the due performance of its functions.

2.7 In accordance with this Agreement and without prejudice to the jurisdiction of courts, there shall be established a Southern Sudan Land Commission which shall have the following functions:

2.7.1 Arbitrate between willing contending Parties on claims over land, and sort out such claims.

2.7.2 The party or group making claims in respect of land may make a claim against the relevant government and/or other Parties interested in the land.

2.7.3 The Southern Sudan Land Commission may entertain such claims at its discretion.

2.7.4 The Parties to the arbitration shall be bound by the Southern Sudan Land Commission's decision on mutual consent and upon registration of the award in a court of law.

2.7.5 The Southern Sudan Land Commission shall apply the law applicable in the locality where the land is situated or such other law as the Parties to the arbitration agree, including principles of equity.

2.7.6 Accept references on request from the relevant government, or in the process of resolving claims, and make recommendations to the appropriate levels of government concerning:

2.7.6.1 Land reform policies;

2.7.6.2 Recognition of customary land rights and/or law.

2.7.7 Assess appropriate land compensation, which need not be limited to monetary compensation, for applicants in the course of arbitration or in the course of a reference from a court.

2.7.8 Advise different levels of government on how to co-ordinate policies on GoSS projects.

2.7.9 Study and record land use practices in areas where natural resource exploitation occurs.

2.7.10 The Southern Sudan Land Commission shall be representative and independent. The composition of the membership and terms of appointment of the Southern Sudan Land Commission shall be set by the legislation constituting it. The Chairperson of the Southern Sudan Land Commission shall be appointed by the President of the Government of Southern Sudan.

2.7.11 The Southern Sudan Land Commission may conduct hearings and formulate its own rules of procedure.

2.7.12 The Southern Sudan Land Commission shall have its budget approved by the Government of Southern Sudan and shall be accountable to the President of the Government of Southern Sudan for the due performance of its functions.

2.8 The National Land Commission and the Southern Sudan Land Commission shall co-operate and co-ordinate their activities so as to use their resources efficiently.

Without limiting the matters of coordination, the National Land Commission and the Southern Sudan Land Commission may agree:

- a) to exchange information and decisions of each Commission;
- b) that certain functions of the National Land Commission, including collection of data and research, may be carried out through the Southern Sudan Land Commission;
- c) on the way in which any conflict between the findings or recommendations of each Commission may be resolved

2.9 In the case of conflict between the findings or recommendations of the National Land Commission and the Southern Sudan Land Commission, which cannot be resolved by agreement, the two Commissions shall reconcile their positions. Failure to reconcile, the matter shall be referred to the Constitutional Court.

3. Oil Resources

A. Guiding Principles for the management and development of the petroleum sector

3.1 The Parties agree that the basis for an agreed and definitive framework for the management of the development of the petroleum sector during the Interim Period shall include the following:

3.1.1 Sustainable utilization -of oil as a non-renewable natural resource consistent with:

- a) the national interest and the public good;
- b) the interest of the affected states/regions;
- c) the interests of the local population in affected areas;
- d) national environmental policies, biodiversity conservation guidelines, and cultural heritage protection principles.

3.1.2 Empowerment of the appropriate levels of government to develop and manage, in consultation with the relevant communities, the various stages of oil production within the overall framework for the management of petroleum development during the Interim Period.

3.1.3 Give due attention to enabling policy environment for the flow of foreign direct investment by reducing risks associated with uncertainties regarding the outcome of the referendum on self-determination at the end of the Interim Period.

3.1.4 A stable macroeconomic environment that emphasizes stability of the petroleum sector.

3.1.5 Persons enjoying rights in land shall be consulted and their view shall duly be taken into account in respect of decisions to develop subterranean natural resources from the area in which they have rights, and shall share in the benefits of that development.

3.1.6 Persons enjoying rights in land are entitled to compensation on just terms arising from acquisition or development of land for the extraction of subterranean natural resources from the area in respect of which they have rights.

3.1.7 The communities in whose areas development of subterranean natural resources occurs have the right to participate, through their respective states/regions, in the negotiation of contracts for the development of those resources.

3.1.8 Regardless of the contention over the ownership of land and associated natural resources, the Parties agree on a framework for the regulation and management of petroleum development in Sudan during the Interim Period.

B. National Petroleum Commission (NPC)

3.2 The Parties agree that an independent National Petroleum Commission (NPC) shall be established during the Pre-Interim Period and its decisions shall be by consensus.

3.3 Taking into account the provisions elsewhere in this Agreement, the NPC shall be constituted as follows:

[...]

3.4 The NPC shall have the following functions:

3.4.1 Formulate public policies and guidelines in relation to the development and management of the petroleum sector consistent with paragraph

3.4.2 Monitor and assess the implementation of those policies to ensure that they work in the best interests of the people of Sudan.

3.4.3 Develop strategies and programs for the petroleum sector.

3.4.4 Negotiate and approve all oil contracts for the exploration and development of oil in the Sudan, and ensure they are consistent with the NPC's principles, policies and guidelines.

3.4.5 Develop its internal regulations and procedures.

3.5 In performing the functions referred to in paragraph 3.4 above, the NPC shall take into account relevant considerations, including the following:

3.5.1 The extent to which the contract provides benefits to local communities affected by the development.

3.5.2 The extent to which the views of the state/region and the affected groups are incorporated in the proposed contracts.

3.5.3 If the NPC decides to approve the contract, persons holding rights in land who are aggrieved by the decision shall seek relief through arbitration or in a court of law.

3.5.4 If the non-permanent members of the NPC representing the oil producing States/Regions collectively disagree with the decision of the NPC to approve the contract related to their States/Regions, the National Minister of Petroleum shall not sign the contract and shall refer the matter to the Council of States/Regions. If the Council of States/Regions rejects the objection by two-thirds (2/3) majority, the National Minister of Petroleum shall sign the contract. If the Council of States/Regions does not reject the objection by two-thirds (2/3) majority within 24 sitting days of receiving it, the Council of States/Regions shall remit the objection within that period and by two-thirds (2/3) majority to a mechanism established by the Council to arbitrate on the objection. The arbitration decision shall be made within six calendar months of referral to arbitration. The arbitration decision shall be binding.

3.5.5. If the NPC approves the contract the National Minister of Petroleum shall sign the contract on behalf of the Government of the Sudan.

3.5.6 In performing functions 3.4.1, 3.4.2, 3.4.3, and 3.4.5 of paragraph 3.4, the NPC shall include only its permanent members.

3.5.7 In performing function 3.4.4 of paragraph 3.4, the NPC shall include its permanent members and representatives of oil producing State/Region in which contracts for the exploration and development of the petroleum are being negotiated and considered for approval.

4. Existing Oil Contracts

4.1 The SPLM shall appoint a limited number of representatives to have access to all existing oil contracts. The representatives shall have the right to engage technical experts. All those who have access to the contracts will sign confidentiality agreements.

4.2 Contracts shall not be subject to re-negotiation.

4.3 If contracts are deemed to have fundamental social and environmental problems the government of Sudan will implement necessary remedial measures.

4.4 The Parties agree that "existing oil contracts" mean contracts signed before the date of signature of the Comprehensive Peace Agreement.

4.5 Persons whose rights have been violated by oil contracts are entitled to compensation. On the establishment of these violations through due legal process the Parties to the oil contracts shall be liable to compensate the affected persons to the extent of the damage caused.

5. Guiding Principles for Sharing Oil Revenue

5.1 The Parties agree that the basis for an agreed and definitive framework for the sharing of the wealth emanating from oil resources of Southern Sudan shall include the following:

5.1.1 The framework for sharing wealth from the extraction of natural resources should balance the needs for national development and reconstruction of Southern Sudan.

5.2 The Parties agree that a formula for sharing the revenue from oil resources shall be as set forth in this Agreement.

5.3 For the purposes of this Agreement, 'Net revenue from oil' shall be the sum of the net revenue (i) from exports of government oil and (ii) from deliveries of government oil to the refineries. Exports shall be valued at the actual Free on Board (FOB) export prices less the charges to deliver the oil to any export destination including pipeline and management charges. Oil delivered to the refinery shall be valued at the average FOB export prices during the last calendar month in which there was an export sale -less the charges that would have been incurred to deliver the oil to any export destination including pipeline and management charges.

5.4 An Oil Revenue Stabilization Account shall be established from government oil net revenue derived from actual export sales above an agreed benchmark price. The benchmark price will be established annually as part of the national budget reflecting changing economic circumstances.

5.5 The Parties agree that at least two percent (2%) of oil revenue shall be allocated to the oil producing states/regions in proportion to output produced in such states/regions.

5.6 After the payment to the Oil Revenue Stabilization Account and to the oil producing states/regions, fifty percent(50%) of net oil revenue derived from oil producing wells in Southern Sudan shall be allocated to the Government of Southern Sudan (GoSS) as of the beginning of the Pre-Interim Period and the remaining fifty percent (50%) to the National Government and States in Northern Sudan.

5.7 A Future Generation Fund shall be established once national oil production reaches two (2) million barrels per day. This production criterion may, as part of the National Government's normal budget process, be reduced down to one (1) million barrels per day.

5.8 The Parties agree that all funds/special accounts referred to in this Agreement and future accounts shall be on-budget operations.

6. Sharing of Non-Oil Revenue

6.1 The National Government shall be entitled to legislate, raise and collect the below-listed taxes and to collect revenue from these sources:
[...]

6.2 The Government of Southern Sudan shall be entitled to revenue from the following sources and to raise and collect the below-listed taxes:
[...]

6.2.3 The Southern Sudan Reconstruction and Development Fund (SSRDF);

6.3 The states/regions shall be entitled to raise and collect the below-listed taxes and revenue from the below listed sources:
[...]

7. Equalization and Allocation to the National, Southern Sudan and States/Regional Levels of Government in Respect of Revenue Collected Nationally

7.1. All revenues collected nationally for or by the National Government shall be pooled in a National Revenue Fund (NRF) administered by the National Treasury. Such Fund shall embrace all accounts and sub-funds into which monies 'due to the Government are collected, reported or deposited.

7.2 All the revenues and expenditures of the Government will be on-budget operations and made public.

7.3 Notwithstanding the provisions of paragraphs 5.6, 7.1 and 13.1, the National Government shall allocate fifty percent (50%) of the national non-oil revenue collected in Southern Sudan, as provided for herein under paragraph 6.1 above, to the GoSS to partially meet the development cost and other activities during the Interim Period. The Parties agree to review this arrangement, at mid-term of the Interim Period, with the view of the National Government allocating additional resources to the Government of Southern Sudan.

7.4 As a result of the allocation arrangements in paragraph 7.3 above, the Parties agree to appeal to the international' and donor community to help the Government of Southern Sudan by providing post-conflict reconstruction assistance especially at the beginning of the transition.

7.5 The states/regions and the Government of Southern Sudan shall retain and dispose of such other income raised and collected under their own taxing powers.

8. Fiscal and Financial Allocation and Monitoring Commission (FFAMC)

8.1 To ensure transparency and fairness both in regard to the allocation of nationally collected funds to the states/regions and the Government of Southern Sudan, a Fiscal and Financial Allocation and Monitoring Commission shall be established. This body shall be comprised of experts nominated by the various states/regions, the Government of Southern Sudan and the National Government. Decision making arrangements of the FFAMC shall be as agreed to by the Parties.

8.2 The FFAMC shall undertake the following duties and responsibilities:
[...]

8.2.3 Ensure that resources allocated to war affected areas are transferred in accordance with agreed upon formula; and

8.2.4 Ensure transparency and fairness in the allocation of funds to the GoSS and states/regions according to established ratios or percentages stipulated in this Agreement.

[...]

9. Interstate Commerce

9.1 There shall be no legal impediment to interstate commerce or the flow of goods and services, capital or labour between the states/regions.

10. Government Liabilities

10.1 Any debts/liabilities incurred by any level of government shall be the responsibility of that level of government.

11. Division of Government Assets

11.1 There shall be a fair and equitable division of government assets. An asset shall in the first instance be allocated to the level of government responsible for the function in respect of which the asset is related (e.g. school buildings to the level of government responsible for education). In the event of a dispute, the Parties agree that such dispute shall be referred to a committee comprising a representative of each of the Parties involved in the dispute and a mutually agreed expert.

12. Accounting Standards and Procedures and Fiscal Accountability

[...]

13 Financing the Transition

[...]

14. Monetary Policy, Banking, Currency and Borrowing

A. Monetary Policy, Banking and Currency

14.9 The CBOS shall adopt a program to issue a new currency as soon as is practical during the Interim Period. The design of the new currency shall reflect the cultural diversity of Sudan. Until a new currency has been issued with the approval of the Parties on the recommendations of the CBOS, the circulating currencies in Southern Sudan shall be recognised.

B. Borrowing

14.16 Foreign borrowing by all sub-national governments shall be done in a manner that does not undermine national macroeconomic policies and shall be consistent with the objective of maintaining external financial viability. All sub-national governments' foreign borrowing transactions shall conform to the CBOS specifications.

15. Reconstruction and Development Funds

A. Southern Sudan Reconstruction and Development Fund (SSRDF)

15.1. There shall be established a Southern Sudan Reconstruction and Development Fund (SSRDF) to solicit, raise and collect funds from domestic and international donors and disburse such funds for the reconstruction and rehabilitation of the infrastructure of the South, for the resettlement and reintegration of internally and externally displaced persons, and to address past imbalances in regional development and infrastructure.

15.2. A monitoring and evaluation system shall be established to ensure accountability, transparency, efficiency, equity and fairness in the utilization of resources.

15.3. The Government of Southern Sudan shall be responsible for expenditure from the fund and shall be entitled to raise additional funds by way of donation from foreign States, multilateral organizations, or other bodies for the purposes of the reconstruction and development of the southern states/regions. The Fund shall be transparently administered and professionally managed subject to an oversight committee appointed by the Government of Southern Sudan but having on it a representative of the National Ministry of Finance and of the National Audit Chamber.

B. National Reconstruction and Development Fund (NRDF)

15.4. There shall be established by the Treasury, a National Reconstruction and Development Fund (NRDF) having the mission of developing the war affected areas and least developed areas outside Southern Sudan and a steering committee with appropriate representation from such areas. A member of the Southern Sudan Ministry of Finance shall be a member of the Steering Committee. A report on the income, expenditure and the projects supported by the fund shall be placed before the National Assembly and the Council of States/Regions, which shall exercise oversight over the Fund.

C. Multi-Donor Trust Funds

15.5. The Parties recognize the need to establish, during the Pre-Interim Period, two Multi-Donor Trust Funds (MDTFs), one for the National Government and one for the Government of Southern Sudan to support urgent recurrent and investment budget costs under clearly stated criteria of eligible financing components. The Trust Funds shall be operational for the Pre-Interim Period, and shall thereafter be transformed into (i) one MDTF dedicated to the Southern Sudan Reconstruction and Development Fund (the "SRRDF"); and (ii) one MDTF dedicated to the National Reconstruction and Development Fund (the "NRDF").

15.6. The MDTFs shall commence immediately to support, among other things, priority areas of capacity building and institutional strengthening and quick start/impact programs identified by the Parties.

15.7. Both funds shall support urgent recurrent and investment budget costs under clearly stated criteria of eligible financing components, and both shall have the right to solicit, raise and collect funds from foreign donors.

15.8. All trust funds shall report the flow of funds to the CBOS.

15.9. To ensure proper accountability for funds disbursed through the MDTFs the Parties shall cause audits to be performed on funds used within six (6) months of the close of the recipient's financial year.

15.10. During the Pre-Interim as well as the Interim Period, funds may be channeled directly to finance activities beneficial to the National Government or the GoSS as the case may be.

15.11. During the Pre-Interim Period, the flow of foreign funds shall be through special accounts established in the Bank of Sudan for areas outside Southern Sudan and for Southern Sudan in a commercial bank in Southern Sudan until the Bank of Southern Sudan is established and operational. For the Interim Period: (i) the flow of foreign funds for the National Fund will go through the CBOS; and (ii) for the Southern Fund, the foreign funds will be disbursed through a special account at the Bank of Southern Sudan designated for the Government of Southern Sudan; or through arrangements as specified in the MDTF.

Page 65-68; CHAPTER IV: THE RESOLUTION OF THE ABYEI CONFLICT

1.2. Interim Period

Upon signing the peace agreement, Abyei will be accorded special administrative status, in which:

[...]

1.2.3 Net oil revenues from Abyei will be divided six ways during the Interim Period: the National Government (50 percent); the Government of Southern Sudan (42 percent); Bahr el Ghazal region (2 percent); Western Kordofan (2 percent); locally with the Ngok Dinka (2 percent); and locally with the Misseriyya people (2 percent);

1.2.4 The National Government will provide Abyei with assistance to improve the lives of the peoples of Abyei, including urbanization and development projects;

2. Administrative Structure

2.5 The Executive Council, in exercise of its executive powers, shall:

[...]

2.5.3 Propose development and urbanization projects for the area to both the Abyei Area Council and to the Presidency;

2.5.4 Present to the National Government proposals regarding the provision of assistance to improve the lives of the peoples of Abyei, including urbanization and development;

3. Financial Resources

3.1 Without prejudice to the provisions of the Wealth Sharing Agreement, the net-oil revenue from the oil produced in Abyei Area shall be shared during the Interim Period as follows:

[...]

3.2 In addition to the above financial resources, Abyei Area shall be entitled to: [...]

3.3 There shall be established, under the Executive Council, Abyei Resettlement, Construction and Development Fund to handle relief, repatriation, resettlement, reintegration, rehabilitation and reconstruction programmes in the Area. The Fund may establish specialized agencies.

3.4 The National Government shall appeal to the international and donor community to facilitate the return and resettlement of the residents of Abyei Area.

3.5 The financial resources due to Abyei Area as provided in section 3 herein shall be deposited in special accounts, acceptable to the Presidency, from which the administration of the Area shall make withdrawals.

4. Public Participation

4.3 The Abyei Area Council shall:

[...]

4.3.3 Adopt reconstruction, development and urbanization plans for the Area;

Page 77; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES; 8. The State Share in the National Wealth

8.3. Oil producing state is entitled to two percent (2%) of the oil produced in that state, as specified in the Wealth Sharing Agreement.

8.5. The general objective of the National Reconstruction and Development Fund (NRDF) is to develop the war affected areas and least developed areas in the Sudan with the aim of bringing these areas to the national average standards and level of development.

Page 78-79; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES

9. State Land Commission

9.1. The regulation of the land tenure, usage and exercise of rights in land shall be a concurrent competency exercised by the National and State Governments.

9.2. Rights in land owned by the National, Government within the State shall be exercised through the appropriate or designated level of government.

9.3. There shall be established a State Land Commission in the State of Southern Kordofan/Nuba Mountains and Blue Nile, respectively.

9.4. The State Land Commission shall be composed of persons from the State concerned.

9.5. The State Land Commission shall exercise all the powers of the National Land Commission at the State level.

9.6. The State Land Commission shall be competent to review existing land leases and contracts and examine the criteria for the present land allocations and recommend to the State authority the introduction of such necessary changes, including restitution of land rights or compensation.

9.7. The National Land Commission and the State Land Commission shall cooperate and coordinate their activities so as to use their resources efficiently. Without limiting the matters of coordination, the National Land Commission and the State Land Commission may agree as follows:-

9.7.1. To exchange information and decisions of each Commission;

9.7.2. That certain functions of the National Land Commission, including collection of data and research, may be carried out through the State Land Commission; and

9.7.3. On the way in which any conflict between the findings or recommendations of each Commission may be resolved.

9.8. In case of conflict between the findings and recommendations of the National Land Commission and the State Land Commission which cannot be resolved by agreement, the two Commissions shall reconcile their positions. Failure to reconcile, the matter shall be referred to the Constitutional Court for adjudication.

Page 81-83; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES

Schedule (A): The Exclusive Executive and Legislative Competencies of the Two States

- 11. Internal and external borrowing of money on the sole credit of the state within the national macro-economic framework, as set by the Ministry of Finance;
- 13. The management, lease and utilization of lands belonging to the state; [...]
- 21. The development, conservation and management of state natural resources and state forestry resources;
- 23. Laws in relation to agriculture within the state;
- 27. Pollution control; [...]
- 37. State irrigation and embankments;

Schedule (B): Concurrent Powers

The National and State Governments shall have concurrent Legislative and Executive competencies on any of the matters listed below:

- [...]
- 13. Electricity generation and water and waste management;
- 15. Environmental management, conservation and protection;
- 16. Relief, repatriation, resettlement, rehabilitation and reconstruction; [...]
- 21. Animal and livestock control, animal diseases, pastures and veterinary services;

Schedule (D): State Revenue Sources

The state shall be entitled to raise and collect the taxes and revenues from the sources listed hereunder:

- [...]
- 6. Share of natural resource revenues;

Page 89; CHAPTER VI: SECURITY ARRANGEMENTS; 7. Status of Other Armed Groups In The Country

- [...]
- b. The Parties agree that those mentioned in 7(a) who have the desire and qualify shall be incorporated into the organized forces of either Party (Army, Police, Prisons and Wildlife forces), while the rest shall be reintegrated into the civil service and civil society institutions.

Page 99; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART I: The Ceasefire Arrangements; 9. Permitted Activities

In view of negative consequences of war, the key principle that shall underpin permitted activities shall be to alleviate the effects of the war on the civilians and war-affected areas and to galvanize popular support for peace. Permitted activities shall therefore include:

- 9.2. Development activities to include opening of roads, rehabilitation of bridges and passages, railways, airports and airstrips, and lines of river navigation etc;
- 9.3. Humanitarian activities such as securing unimpeded access to humanitarian relief according to agreed regulations;
- 9.4. Socioeconomic activities such as assisting free movement of people, goods and services;

Page 108; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART II: The Armed Forces; 16. Military Mission and Mandate

16.7. The elements of the code of conduct provided for in sub-section 16.6 above shall:

[...]

16.7.5. make clear that all members of armed forces shall not be involved in illicit activities that may affect the environment and natural resources.

Page 116; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART II: The Armed Forces; 22. Policing Issues and Domestic Security

22.1. In order to facilitate the removal and withdrawal of the military and paramilitary forces from areas where they were previously located and in order to return societal order and harmony, in accordance with the law, in compliance with national and international acceptable standards and with accountability to the Courts and civil Administration, the police at the appropriate level during the ceasefire shall:

[...]

22.1.7. Preserve natural resources;

Page 2; CHAPTER I: THE MACHAKOS PROTOCOL; PART A: AGREED PRINCIPLES

1.4 That religion, customs and traditions are a source of moral strength and inspiration for the Sudanese people.

1.5 That the people of the Sudan share a common heritage and aspirations and accordingly agree to work together to:

[...]

Page 5; CHAPTER I: THE MACHAKOS PROTOCOL; STATE AND RELIGION

Recognizing that Sudan is a multi-cultural, multi-racial, multi-ethnic, multi-religious and multi-lingual country and confirming that religion shall not be used as a divisive factor, the Parties hereby agree as follows:

6.1 Religions, customs and beliefs are a source of moral strength and inspiration for the Sudanese people.

6.2 There shall be freedom of belief, worship and conscience for followers of all religions or beliefs or customs and no one shall be discriminated against on such grounds.

6.3 Eligibility for public office, including the presidency, public service and the enjoyment of all rights and duties shall be based on citizenship and not on religion, beliefs or customs.

6.4 All personal and family matters including marriage, divorce, inheritance, succession and affiliation may be governed by the personal laws (including Sharia or other religious laws, customs or traditions) of those concerned.

Page 6-7; CHAPTER I: THE MACHAKOS PROTOCOL; PART C: STRUCTURES OF GOVERNMENT

To give effect to the agreements set out in Part A, the Parties, within a framework of a unified Sudan which recognizes the right to self-determination for the people of Southern Sudan, hereby agree that with respect to the division of powers and the structures and functions of the different organs of government, the political framework of governance in the Sudan shall be structured as follows:

[...]

3.2 National Government

[...]

3.2.3 Nationally enacted legislation applicable to the Southern States and/or the Southern Region shall have as its source of legislation popular consensus,

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Cultural Heritage/
Protections

the values and the customs of the people of Sudan (including their traditions and religious beliefs, having regard to Sudan's diversity).

3.2.4 Where national legislation is currently in operation or is enacted and its source is religious or customary law, then a state or region, the majority of whose residents do not practice such religion or customs may:

(i) Either introduce legislation so as to allow or provide for institutions or practices in that region consistent with their religion or customs, or
[...]

Page 23; CHAPTER II: POWER SHARING; PART II; 2. Institutions at the National Level; 2.4 National Capital

2.4.5 Without prejudice to the competency of any National Institution to promulgate laws, judges and law enforcement agents shall, in dispensing justice and enforcing current laws in the National Capital be guided by the following:-

2.4.5.1 Tolerance shall be the basis of coexistence between the Sudanese people of different cultures, religions and traditions;

2.4.5.2 Behavior based on cultural practices and traditions which does not disturb public order, is not disdainful of other traditions, and not in flagrant disregard of the law or' disturbing public order shall be deemed in the eyes of the law as an exercise of personal freedoms.

2.4.7 Additionally, a system of mechanisms of guarantees shall be established to operationalize the above points, which includes:-
[...]

Page 26; CHAPTER II: POWER SHARING; PART II; 2. Institutions at the National Level; 2.8 Language

2.8.1 All the indigenous languages are national languages which shall be respected, developed and promoted.

Page 39-42; CHAPTER II: POWER SHARING; PART V: Schedules

Schedule A: National Powers Exclusive competencies (Legislative and Executive Powers) of the National Government

[...]

31. National Museums and National Heritage Sites;

Schedule C: Powers of States Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out hereunder:-

[...]

9. Cultural matters within the State;

[...]

33. State cultural and heritage sites, State libraries, State museums, and other historical sites;

34. Traditional and customary law;

[...]

38. State archives, antiquities, and monuments;

Page 49-51; CHAPTER III: WEALTH SHARING

2. Ownership of Land and Natural Resources

2.5. The Parties agree that a process be instituted to progressively develop and mend the relevant laws to incorporate customary laws and practices, local heritage and international trends and practices.

2.6 Without prejudice to the jurisdiction of courts, there shall be established a National Land Commission that shall have the following functions:

[...]

2.6.6 Accept references on request from the relevant government, or in the process of resolving claims, and make recommendations to appropriate levels of government concerning:

[...]

2.6.6.2 Recognition of customary land rights and/or law.

2.7 In accordance with this Agreement and without prejudice to the jurisdiction of courts, there shall be established a Southern Sudan Land Commission which shall have the following functions:

[...]

2.7.6 Accept references on request from the relevant government, or in the process of resolving claims, and make recommendations to the appropriate levels of government concerning:

[...]

2.7.6.2 Recognition of customary land rights and/or law.

3. Oil Resources

A. Guiding Principles for the management and development of the petroleum sector

3.1 The Parties agree that the basis for an agreed and definitive framework for the management of the development of the petroleum sector during the Interim Period shall include the following:

3.1.1 Sustainable utilization of oil as a non-renewable natural resource consistent with:

[...]

d) national environmental policies, biodiversity conservation guidelines, and cultural heritage protection principles.

Page 73; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES; 1. General Principles

The Parties agree on the following, as the basis for political, administrative, economic and social solution to the conflict in Southern Kordofan/Nuba Mountains and Blue Nile:

[...]

1.2. The diverse cultural heritage and local languages of the population of the State shall be developed and protected;

Page 81; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES; SCHEDULES: Schedule (A) The Exclusive Executive and Legislative Competencies of the Two States: -

9. Cultural matters within the state;

[...]

32. State cultural and heritage sites, state libraries, state museums, and other historical sites;

33. Traditional and customary law;

[...]

39. State archives, antiquities, and monuments;

Page 27; CHAPTER II: POWER SHARING; PART II; 2. Institutions at the National Level

2.10 Other Independent and/or National Institutions to be Established in Accordance with the Peace Agreement:

2.10.1 The National Constitutional Review Commission, as detailed in Section 2.12 herein, shall also detail the mandate and provide for the appointment and other mechanisms to ensure the independence of the following institutions:

[...]

2.10.1.6 A Fiscal and Financial Allocation and Monitoring Commission;

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Financial
Arrangements

Page 39-43; CHAPTER II: POWER SHARING; PART V: Schedules

Schedule A: National Powers

Exclusive competencies (Legislative and Executive Powers) of the National Government.

[...]

16. Central Bank, the Incorporation of National banks and issuing of paper money;

[...]

35. National Taxation and National Revenue Raising;

Schedule B: Powers of The Government of Southern Sudan

The exclusive legislative and executive powers of the Government of Southern Sudan shall be:

[...]

12. Taxation and revenue raising in Southern Sudan as a whole;

[...]

20. Such matters relating to taxation, royalties and economic planning as is specified in the Agreement on Wealth Sharing as a matter or matters in regard to which the Government of Southern Sudan is accorded exclusive authority;

Schedule C: Powers of States

Exclusive executive and legislative competencies of the individual States of Sudan shall be as set out here under:

[...]

39. Direct and indirect taxation within the State in order to raise revenue for the State;

Schedule D: Concurrent Powers

The National Government, the Government of Southern Sudan and State Governments, shall have legislative and executive competencies on any of the matters listed below during the Interim Period:

[...]

8. Banking and insurance;

9. Bankruptcy and insolvency;

[...]

28. Notwithstanding Schedules A, B and C, such matters relating to taxation, royalties and economic planning as specified in the Agreement on Wealth Sharing;

[...]

30. Such matters relating to taxation, royalties and economic planning as is specified in the Agreement on Wealth Sharing as a matter or matters in regard to which the Government of Southern Sudan is accorded concurrent authority;

Page 48; CHAPTER III: WEALTH SHARING; 1. Guiding Principles in Respect of an Equitable Sharing of Common Wealth

1.11 This Agreement sets out the respective types of income, revenue, taxes and other sources of wealth to which the various levels of government are entitled.

Page 55-56; CHAPTER III: WEALTH SHARING; 6. Sharing of Non-Oil Revenue

6.1 The National Government shall be entitled to legislate, raise and collect the below-listed taxes and to collect revenue from these sources:

6.1.1 National Personal Income Tax;

6.1.2 Corporate or Business Profit Tax;

6.1.3 Customs Duties and import taxes; and

6.1.4 Sea-ports and Airports Revenue;

6.1.5 Service charges;

6.1.6 Oil revenues as set out herein;

6.1.7 National Government Enterprises and projects;

6.1.8 VAT or GST or other retail taxes on goods and services;

6.1.9 Excise Tax;

6.1.10 Any other tax as agreed upon in these negotiations;
6.1.11 Loans, including borrowing from the Central Bank and the public.

6.2 The Government of Southern Sudan shall be entitled to revenue from the following sources and to raise and collect the below-listed taxes:

6.2.1 The National revenue allocation to the Government of Southern Sudan and States/Regions from the National Revenue Fund as set forth in section 7.0 of this Agreement;

6.2.2 Revenue from any of the sources listed as state/region revenue sources referred to in paragraph 6.3 herein;

6.2.3 The Southern Sudan Reconstruction and Development Fund (SSRDF);

6.2.4 Oil revenues as is set out in this Agreement;

6.2.5 Southern Sudan Government Taxes, which do not encroach on the exclusive National Government taxing powers or which are contemplated in the Power Sharing Protocol;

6.2.6 Service charges of the Government of Southern Sudan;

6.2.7 Government of Southern Sudan enterprises and projects;

6.2.8 Grants in Aid and Foreign Aid;

6.2.9 Taxes and levies on small and medium business;

6.2.10 Excise taxes on goods within the region deemed to be luxury consumables;

6.2.11 Southern Sudan Personal Income Tax;

6.2.12 Any other taxes as may be agreed to from time to time;

6.2.13 Loans and Borrowing in accordance with the Monetary Policy, Banking, Currency and Borrowing sections of this Agreement.

6.3 The states/regions shall be entitled to raise and collect the below-listed taxes and revenue from the below listed sources:

6.3.1 State/Regional Land and property tax and royalties;

6.3.2 Service charges for state/regional services;

6.3.3 Licences;

6.3.4 State/Regional Personal Income Tax;

6.3.5 Levies on Tourism;

6.3.6 State/Regional share of oil Revenues as is set out in paragraphs 5.5 and 5.6 of this Agreement;

6.3.7 State/Regional Government projects and state/regional nature parks;

6.3.8 Stamp duties;

6.3.9 Agricultural Taxes;

6.3.10 Grants in Aid and Foreign Aid through the National Government and the GOSS;

6.3.11 Excise taxes;

6.3.12 Border Trade charges or levies in accordance with National Legislation;

6.3.13 Other state/region taxes which do not encroach on national or Southern Sudan Government taxes;

6.3.14 Any other tax as may be agreed to from time to time; and

6.3.15 Loans and borrowing in accordance with the Monetary Policy, Banking, Currency and Borrowing sections of this Agreement.

Page 56-57; CHAPTER III: WEALTH SHARING; 7. Equalization and Allocation to the National, Southern Sudan and State-Regional Levels of Government in Respect of Revenue Collected Nationally

7.1. All revenues collected nationally for or by the National Government shall be pooled in a National Revenue Fund (NRF) administered by the National Treasury. Such Fund shall embrace all accounts and sub-funds into which monies due to the Government are collected, reported or deposited.

[...]

7.5 The states/regions and the Government of Southern Sudan shall retain and dispose of such other income raised and collected under their own taxing powers.

Page 59-60; CHAPTER III: WEALTH SHARING; 14. Monetary Policy, Banking, Currency and Borrowing

A. Monetary Policy, Banking and Currency

14.1. The Parties agree, consistent with the Machakos Protocol of 20th July 2002, to have a dual banking system in Sudan during the Interim Period. An

Islamic banking system shall operate in Northern Sudan and conventional banking system shall operate in Southern Sudan.

14.2. The Parties agree that conventional banking facilities are urgently needed in Southern Sudan. The Parties therefore agree to establish, during the Pre-Interim period, the Bank of Southern Sudan (BOSS) as a branch of Central Bank of Sudan (CBOS) consistent with paragraph 14.1 above.

14.3. The Parties agree to restructure, during the Pre-Interim Period, the CBOS so as to reflect the duality of the banking system in Sudan. The CBOS shall therefore use and develop two sets of banking instruments, one Islamic and the other Conventional, to regulate and supervise the implementation of a single monetary policy through:

(i) an Islamic financing window in Northern Sudan under a deputy governor of CBOS using Islamic financing instruments to implement the national monetary policy in Northern Sudan; and

(ii) the Bank of Southern Sudan (BOSS), headed by a deputy governor of CBOS, to manage the conventional window using conventional financing instruments in implementing the same national monetary policy in Southern Sudan.

14.4. The CBOS shall be responsible for the conduct of monetary policy. All banking institutions shall be subject to the rules and regulations set by the CBOS.

14.5. The primary responsibility and mandate of the CBOS shall be ensuring price stability, maintaining stable exchange rate, sound banking system and issuance of currency. The monetary policy shall be carried out accordingly relying primarily on market-based instruments instead of administrative allocation of credit.

14.6. The CBOS shall be fully independent in its pursuit of monetary policy.

14.7. The Governor of CBOS and his/her two deputies shall be appointed by the Presidency. The Governor of CBOS shall appoint in consultation with his/her two deputies other senior officers within the Central Bank.

14.8. The Parties agree to establish, during the Pre-Interim Period, an independent Board of Directors (BOD). Decisions of BOD on matters that may affect adversely the interest of either Party to this Agreement shall be by consensus. The BOD shall be responsible to the Presidency on the accountability of the CBOS and shall consist of nine (9) members as follows:

a) Governor of CBOS (Chairperson) and his/her two deputies and;

b) Six highly qualified Sudanese to be appointed by the Presidency taking into account the agreed formula in the Power Sharing Protocol for the institutions of the National Government.

14.9 The CBOS shall adopt a program to issue a new currency as soon as is practical during the Interim Period. The design of the new currency shall reflect the cultural diversity of Sudan. Until a new currency has been issued with the approval of the Parties on the recommendations of the CBOS, the circulating currencies in Southern Sudan shall be recognised.

14.10 The BOSS shall be responsible for chartering and supervising financial institutions in Southern Sudan.

14.11 All financial institutions shall be subject to internationally recognized regulatory and prudential standards for Islamic and conventional finance, as set by the CBOS.

14.12 All financial institutions shall be bound to implement monetary policies set by the CBOS.

B. Borrowing

14.13. The Government of Southern Sudan and the states/regions may borrow money based on their respective credit worthiness. Neither the National Government nor the CBOS shall be required or expected to guarantee borrowing by sub-national governments.

14.14 The GOSS and all sub-national governments shall report financial and fiscal data to the relevant National Government bodies for statistical purposes.

14.15 The Government of Southern Sudan and the states/regions may borrow money from foreign sources based on their respective credit worthiness.

14.16 Foreign borrowing by all sub-national governments shall be done in a manner that does not undermine national macroeconomic policies and shall be consistent with the objective of maintaining external financial viability. All sub-national governments' foreign borrowing transactions shall conform to the CBOS specifications.

Page 62; CHAPTER III: WEALTH SHARING; 15. Reconstruction and Development Funds; C. Multi-Donor Trust Funds

15.11. During the Pre-Interim Period, the flow of foreign funds shall be through special accounts established in the Bank of Sudan for areas outside Southern Sudan and for Southern Sudan in a commercial bank in Southern Sudan until the Bank of Southern Sudan is established and operational. For the Interim Period: (i) the flow of foreign funds for the National Fund will go through the CBOS; and (ii) for the Southern Fund, the foreign funds will be disbursed through a special account at the Bank of Southern Sudan designated for the Government of Southern Sudan; or through arrangements as specified in the MDTF.

Page 67; CHAPTER IV: THE RESOLUTION OF THE ABYEI CONFLICT; 3. Financial Resources

3.2 In addition to the above financial resources, Abyei Area shall be entitled to:

[...]

3.2.2 The revenues raised in the Abyei Area from Income Tax and other taxes and levies;

Page 77; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES; 8. The State Share in the National Wealth

8.2. The States shall raise and collect taxes and revenues as listed in Schedule (D), annexed herewith.

Page 82-83; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES

Schedule (A): The Exclusive Executive and Legislative Competencies of the Two States:

40. Direct and indirect taxation within the state in order to raise revenue for the state;

Schedule (B): Concurrent Powers

The National and State Governments shall have concurrent Legislative and Executive competencies on any of the matters listed below:

[...]

8. Banking and insurance;

9. Bankruptcy and insolvency;

Schedule (D): State Revenue Sources

The state shall be entitled to raise and collect the taxes and revenues from the sources listed hereunder:

1. State land and property tax and royalties;

2. Service charges for state services;

3. Licenses;

4. State personal income tax;

5. Tourism levies;

6. Share of natural resource revenues;
7. State Government projects;
8. Stamp duties;
9. State agricultural taxes;
10. Loans and borrowing in accordance with the national macroeconomic policy framework;
11. Excise taxes;
12. Border trade charges or levies in accordance with National legislation;
13. Other state taxes which do not encroach on National taxes; and
14. Grants in Aid and Foreign Aid through the National Government.

Page 116; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART II: The Armed Forces; 21. Funding of the Armed Forces

21.1. During the Interim Period, SAF forces and JIUs shall be funded by the National Government, whereas the SPLA forces shall be funded by the Government of Southern Sudan, subject to the principle of proportional downsizing as per Security Arrangements Protocol and the approval of Southern Sudan Legislature. To meet this obligation, the Government of Southern Sudan shall raise financial resources from both local and foreign sources and seek international assistance. These financial resources shall be channeled through the Bank of Southern Sudan and managed according to the principles of Wealth Sharing Protocol.

Page 100-07; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART I: The Ceasefire Arrangements

10. Violations

10.1. The following acts shall constitute violations to this Agreement:
[...]

10.5. The Parties agree that any deadlock arising out of the implementation of the ceasefire shall be referred, as of last resort, to the Presidency for consideration and action after having exhausted all avenues of dispute management at all lower levels;

11. Other Armed Groups

11.5. The OAGs CC shall, inter alia, perform the following functions:
[...]

11.5.5. Provide a forum for the parties to exchange information and data on the OAGs as well as handling complaints that pertain to their incorporation process and their activities;

13. Verification, Monitoring, Complaints and Obligations

13.1 The structure and levels of monitoring and verification of the implementation of this Agreement shall be as follows:

- 13.1.1. Ceasefire Political Commission (CPC)
- 13.1.2. Ceasefire Joint Military Committee (CJMC)
- 13.1.3. Area Joint Military Committee (AJMC)
- 13.1.4. Joint Military Teams (JMTs)

14. The Ceasefire Political Commission (CPC)

14.5. The mandate and functions of the CPC shall be to:
[...]

14.5.6. settle deadlocks arising out from the ceasefire implementation as reported by the CJMC and refer the unresolved ones to the Presidency;

14.6. Ceasefire Joint Military Committee (CJMC)

14.6.5. The CJMC shall have the following functions:
[...]

14.6.5.9 Receiving and verifying unresolved violations, disputes and complaints and rule on them;

tj_dsm

Dispute Settlement
Mechanisms

14.7 Area Joint Military Committee (AJMC)

14.7.3 The AJMC shall be charged with the following functions:
14.7.3.1 monitor and verify alleged violations and resolve disputes;
14.7.3.2 report periodically and refer unresolved complaints to CJMC;

15. UN Peace Support Mission

[...]

15.7. The Parties undertake to respect the exclusively international nature of the UN Peace Support Mission as in terms of flag, vehicle markings, communication, travel and transport, privileges and immunities, facilities, provisions, supplies, services, sanitary arrangements, recruitment of local personnel, currency, entry, residence, departure, uniform, arms, permits and licences, military police, arrest, transfer of custody, mutual assistance, jurisdiction, deceased members and settlement of disputes;

Page 113; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART II: The Armed Forces; 20. The Status of Joint Integrated Units

20.11. JIUs Command and Control The JIUs Headquarters is under command of JDB and shall be located in Juba. The JIUs command shall perform among other things, the following duties and responsibilities:

[...]

20.11.9. Resolution of disputes that may arise within the JIUs jurisdiction.

Page 3-4; CHAPTER I: THE MACHAKOS PROTOCOL; PART B: The Transition Process

2. There shall be a Pre-Interim Period, the duration of which shall be six (6) months.

[...]

2.4 An independent Assessment and Evaluation Commission (AEC) shall be established during the Pre-Interim Period to monitor the implementation of the Peace Agreement and conduct a mid-term evaluation of the unity arrangements established under the Peace Agreement.

2.4.1 The composition of the Assessment and Evaluation Commission shall consist of equal representation from the GOS and the SPLM/A, and not more than two (2) representatives, respectively, from each of the following categories:

2.4.1.1 Member states of the IGAD Sub-Committee on Sudan (Djibouti, Eritrea, Ethiopia, Kenya and Uganda);

2.4.1.2 Observer States (Italy, Norway, UK and US); and

2.4.1.3 Any other countries or regional or international bodies to be agreed upon by the Parties.

ia_ver

Verification & Monitoring Mechanism

Page 8; CHAPTER I: THE MACHAKOS PROTOCOL; The Right to Self-Determination for the People of South Sudan

2.4 An independent Assessment and Evaluation Commission shall be established during the Pre-Transition Period to monitor the implementation of the Peace Agreement during the Interim Period. This Commission shall conduct a midterm evaluation of the unity arrangements established under the Peace Agreement.

2.4.1 The composition of the Assessment and Evaluation Commission shall consist of equal representation from the GOS and the SPLM/A, and not more than two (2) representatives, respectively, from each of the following categories:

2.4.1.1 Member states of the IGAD Sub-committee on Sudan (Djibouti, Eritrea, Ethiopia, Kenya and Uganda);

2.4.1.2 Observer States (Italy, Norway, UK and US); and

2.4.1.3 Any other countries or regional or international bodies to be agreed upon by the Parties.

Page 65; CHAPTER IV: THE RESOLUTION OF THE ABYEI CONFLICT; 1. Principles of Agreement on Abyei

1.2 Interim Period

Upon signing the peace agreement, Abyei will be accorded special administrative status, in which:

[...]

1.2.5 International monitors will be deployed to Abyei to ensure full implementation of these agreements.

Page 69; CHAPTER IV: THE RESOLUTION OF THE ABYEI CONFLICT; 7. Security Arrangements

7.3 International monitors, as shall be agreed in the comprehensive Ceasefire Agreement shall also be deployed in the Area through the Interim Period.

7.4 International monitors shall be deployed to Abyei to ensure full implementation of these Agreements.

Page 87; CHAPTER VI: SECURITY ARRANGEMENTS

2. Ceasefire

The parties agree to an internationally monitored ceasefire which shall come into effect from the date of signature of a Comprehensive Peace Agreement. Details of the Ceasefire Agreement shall be worked out by the two parties together with the IGAD mediators and international experts.

3. Redeployment

[...]

b. Except for those deployed in the Joint/Integrated Units (JTUs), the rest of the forces of SAF currently deployed in the south shall be redeployed North of the South/North border of 1/1/1956 under international monitoring and assistance within and up to two and one half years (2 1/2) from the beginning of the Pre-Interim Period.

c. Except for those deployed in the Joint/Integrated Units, the rest of SPLA forces currently deployed in Nuba Mountains and Southern Blue Nile shall be redeployed South of the South/North border of 1/1/1956 as soon as the Joint/Integrated Units are formed and deployed under international monitoring and assistance.

[...]

Page 97; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART I: The Ceasefire Arrangements; 8. Disengagement

8.1. There shall be lines of disengagement according to the assembly areas, as specified in Appendix 1, and shall be adjusted by the monitors of the UN Peace Support Mission.

8.4 All forces shall be disengaged, separated, encamped in their assembly points, and redeployed subject to international monitoring arrangements.

Page 101-07; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART I: The Ceasefire Arrangements;

11. Other Armed Groups

11.4. The Parties agree to adopt a collaborative approach for handling OAGs and to establish by D day + 15 days an OAGs Collaborative Committee (OAGs CC) which shall comprise equal number of representatives from both parties (three each) and an independent observer from UN.

11.5. The OAGs CC shall, inter alia, perform the following functions:

11.5.1. Ascertain strength and armament conditions of all OAGs units which shall be verified by the VMT until UN monitors take over;

13. Verification, Monitoring, Complaints and Obligations

13.1 The structure and levels of monitoring and verification of the implementation of this Agreement shall be as follows:

13.1.1. Ceasefire Political Commission (CPC)

13.1.2. Ceasefire Joint Military Committee (CJMC)

13.1.3. Area Joint Military Committee (AJMC)

13.1.4. Joint Military Teams (JMTs)

14. The Ceasefire Political Commission (CPC)

14.5. The mandate and functions of the CPC shall be to:

14.5.1. supervise, monitor and oversee the implementation of this Agreement;
[...]

14.6. Ceasefire Joint Military Committee (CJMC)

[...]

14.6.1 The CJMC shall be answerable to the CPC and shall oversee the activities of AJMC;

14.6.5. The CJMC shall have the following functions:

[...]

14.6.5.1 Oversee compliance of the Parties to their obligations under this Agreement;

14.6.5.2 Coordinate planning, monitoring and verification of the implementation of this Agreement;

14.6.5.3 Facilitate liaison between the Parties;

14.6.5.4 Coordinate monitoring and verification of disengagement, disarmament and redeployment of the forces as agreed upon in this Agreement;

14.6.5.5 Check on the conduct of the military forces;

[...]

14.6.5.8 Coordination and monitoring of permitted military movement and itineraries thereof;

14.6.5.9 Receiving and verifying unresolved violations, disputes and complaints and rule on them;

[...]

14.6.5.12 Supervision of demining activities, decommissioning of unexploded ordnance and other form of military hazards;

[...]

14.6.5.15 monitor and verify the disarmament of all Sudanese civilians who are illegally armed;

14.6.5.16 be responsible for executing peace support operations in collaboration with VMT, JMC and CPMT, until the deployment of the UN monitors; after which the roles of the latter shall cease to exist.

14.7 Area Joint Military Committee (AJMC)

14.7.1 The AJMC that shall be established in Juba, Malakal, Wau, Kadugli, Abyei, Damazien or Kurmuk, and shall be composed as follows:

[...]

14.7.1.3 UN monitors.

14.7.2 AJMC shall be established in Kassala or Hamashkoreb in Eastern Sudan to monitor and verify the redeployment of SPLA forces as provided in sub-section 4 (c)(v)(a) of Agreement on Security Arrangements;

14.7.3 The AJMC shall be charged with the following functions:

14.7.3.1 monitor and verify alleged violations and resolve disputes:

14.8 Joint Military Teams (JMTs)

14.8.1 JMTs shall be the lowest operating unit of the ceasefire monitoring mechanism;

14.8.3 A JMT shall be composed of UN senior officer at that level, international monitors, equal number of officers from SAF and SPLA.

14.8.5 JMTs shall monitor, verify and report alleged violations to the appropriate AJMC.

15. UN Peace Support Mission

15.1. The Parties agree to request the United Nations to constitute a lean, effective, sustainable and affordable UN Peace Support Mission to monitor and verify this Agreement and to support the implementation of the Comprehensive Peace Agreement as provided for under Chapter VI of the UN Charter;

15.3. International monitoring shall be carried out by UN, considering that the official working languages in Sudan are Arabic and English, who may make the use of the services of UN protection unit. The size of the UN Peace Support Mission, including any UN force protection element, shall be determined by the UN in consultation with the Parties.

15.4. For the purpose of monitoring activities related to the ceasefire, the international monitors shall have unrestricted access in accordance with a Status of Forces Agreement (SOFA), which shall be concluded with the United Nations as soon as possible. Such SOFA shall contain the provisions agreed to by the Parties with the United Nations immediately following the conclusion of the Comprehensive Peace Agreement.

15.8. SAF and SPLA members of AJMCs and JMTs shall have the right to participate in verification and monitoring missions, however in case of failure of either or both Parties to participate, the mission shall still continue with its verification and monitoring tasks.

Page 3; CHAPTER I: THE MACHAKOS PROTOCOL; PART B: The Transition Process

2.3. Throughout the Interim Period:

[...]

b) If not already accomplished, the negotiated comprehensive ceasefire will be implemented and international monitoring mechanisms shall be established and operationalized.

Page 18; CHAPTER II: POWER SHARING; PART I, 1. General Principles

1.8 Population Census, Elections and Representation:

[...]

1.8.7 International observers shall participate in the observation of elections;

Page 87; CHAPTER VI: SECURITY ARRANGEMENTS; 2. Ceasefire

The parties agree to an internationally monitored ceasefire which shall come into effect from the date of signature of a Comprehensive Peace Agreement. Details of the Ceasefire Agreement shall be worked out by the two parties together with the IGAD mediators and international experts.

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Peacekeeping

1. General and Fundamental Provisions

1.7. The Parties shall, within the territorial jurisdiction of the Ceasefire Agreement, provide and share information and statistics on their troops strength, arms and military equipment and any other relevant information, among themselves and with the UN Peace Support Mission;

5. Principles of the Ceasefire

5.3 The permanent cessation of hostilities shall include final termination of the following activities:

5.3.1. Military activities including movement, reconnaissance, reinforcement, recruitment, draft, and military exercises other than those permitted by the Joint Defence Board (JDB). The JDB will inform the UN Peace Support Mission of permitted current and future activities;

7. Duration and Calendar of Major Ceasefire Activities

7.1. Duration of the ceasefire shall be divided into four phases:
[...]

8. Disengagement

8.1. There shall be lines of disengagement according to the assembly areas, as specified in Annex 1, and shall be adjusted by the monitors of the UN Peace Support Mission.

8.4. All forces shall be disengaged, separated, encamped in their assembly points, and redeployed subject to international monitoring arrangements.

8.6. To safeguard against the menace and hazards posed by landmines and unexploded ordnance, the Parties agree that:
[...]

8.6.4. The Parties shall conduct de-mining activities as soon as possible, and in coordination with the UN Peace Support Mission with a view to create the conditions necessary for deployment of the UN Peace Support Mission and the return of displaced populations;

8.6.5. The UN Peace Support Mission, in conjunction with United Nations Mine Action Office, will assist the Parties' de-mining efforts by providing technical advice and coordination. The Parties shall, as necessary, seek additional de-mining assistance and advice from the UN Peace Support Mission;

8.6.6 The Parties shall establish by D Day + 30 Days two demining authorities (Northern and Southern) that shall work together and coordinate their de-mining activities and to work jointly in close cooperation with UN Mine Action Office;

8.7. Before the declaration of the ceasefire, the Parties shall present detailed lists of size and location of their forces in each area to United Nations Advanced Mission in Sudan (UNAMIS), subject by verification of the Verification and Monitoring Team (VMT) and Joint Military Commission (JMC) Nuba Mountains. Such lists shall be attached to the Comprehensive Peace Agreement.

8.9. The Parties agree and in collaboration with the UN Peace Support Mission to pull back all the weapons of effective range fire within the other Party's assembly areas.

9. Permitted Activities

In view of negative consequences of war, the key principle that shall underpin permitted activities shall be to alleviate the effects of the war on the civilians and war-affected areas and to galvanize popular support for peace. Permitted activities shall therefore include:

9.1. De-mining and decommissioning of military hazards (this shall be done in collaboration with other bodies referred to in 8.6 herein, according to agreed timetables and mechanisms, and under UN monitoring);
[...]

9.6. Re-supply of armed forces lethal items as shall be deemed appropriate by the JDB and coordinated with UN Mission;
[...]

9.9. During the disengagement of forces, they shall not exercise any military activities except the following:

9.9.1. Training and refresher training (UN Mission shall be informed of such training - location, duration and type); particularly the field training of platoon level and higher;

11. Other Armed Groups

11.4. The Parties agree to adopt a collaborative approach for handling OAGs and to establish by D day + 15 days an OAGs Collaborative Committee (CC) which shall comprise equal number of representatives from both parties (three each) and an independent observer from UN.

11.5. The OAGs CC shall, inter alia, perform the following functions:

11.5.1. Ascertain strength and armament conditions of all OAGs units which shall be verified by the VMT until UN monitors take over; [...]

14.6. Ceasefire Joint Military Committee (CJMC):

14.6.3. The CJMC shall be a military decision making body and shall be composed of:

14.6.3.1. The Force Commander of the UN Monitoring Mission (Chair),

14.6.3.2. The Deputy Force Commander from countries acceptable to the Parties. Considering that the official working languages in Sudan are Arabic and English;

14.6.5. The CJMC shall have the following functions:

14.6.5.16. be responsible for executing peace support operations in collaboration with VMT, JMC and CPMT, until the deployment of the UN monitors; after which the roles of the latter shall cease to exist;

14.7 Area Joint Military Committee (AJMC)

14.7.1 The AJMC that shall be established in Juba, Malakal, Wau, Kaduli, Abyei, Damazien or Kurmuk, and shall be composed as follows:

14.7.1.1 The most senior UN Officer in the Area, Chairperson;

14.7.1.2 Equal number of senior officers from SAF and SPLA;

14.7.1.3 UN monitors.

15. UN Peace Support Mission

15.1. The Parties agree to request the United Nations to constitute a lean, effective, sustainable and affordable UN Peace Support Mission to monitor and verify this Agreement and to support the implementation of the Comprehensive Peace Agreement as provided for under Chapter VI of the UN Charter;

15.2. The Parties call upon the international community to provide technical and financial assistance, given the financial constraints of GOS and particularly the nature and structure of SPLA, to expedite the implementation of the ceasefire activities.

15.3. International monitoring shall be carried out by UN, considering that the official working languages in Sudan are Arabic and English, who may make the use of the services of UN protection unit. The size of the UN Peace Support Mission, including any UN force protection element, shall be determined by the UN in consultation with the Parties.

15.4. For the purpose of monitoring activities related to the ceasefire, the international monitors shall have unrestricted access in accordance with a Status of Forces Agreement (SOFA), which shall be concluded with the United

Nations as soon as possible. Such SOFA shall contain the provisions agreed to by the Parties with the United Nations immediately following the conclusion of the Comprehensive Peace Agreement.

15.5. The parties agree that the presence and size of the UN peace support mission shall be determined by the implementation time table of this Agreement (disengagement, disarmament, redeployment, etc) and shall gradually phase out with successful implementation of the time tables, increased confidence building, and commitment of the parties towards the implementation of this Agreement.

15.6. The Parties agree to request the UN to provide cultural orientation to all its members to create conducive atmosphere for respect and better understanding of social values and cultures so as to ensure effective implementation of this Agreement;

15.7. The Parties undertake to respect the exclusively international nature of the UN Peace Support Mission as in terms of flag, vehicle markings, communication, travel and transport, privileges and immunities, facilities, provisions, supplies, services, sanitary arrangements, recruitment of local personnel, currency, entry, residence, departure, uniform, arms, permits and licences, military police, arrest, transfer of custody, mutual assistance, jurisdiction, deceased members and settlement of disputes;

15.8. SAF and SPLA members of AJMCs and JMTs shall have the right to participate in verification and monitoring missions, however in case of failure of either or both Parties to participate, the mission shall still continue with its verification and monitoring tasks.

15.9. The Verification and Monitoring Team (VMT), the Joint Military Commission (JMC) in Nuba Mountains and the Civilian Protection Monitoring Team (CPMT) shall continue performing their duties, under operational control of the UN Mission, according to their present and/or expanded mandate, fill the gap and carry out duties as shall be entrusted to them by the Parties until the UN Mission is operational, after which their roles shall cease to exist.

Page 120; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART III: Demobilization, Disarmament, Re-Integration and Reconciliation; 25. DDR Institutions

25.2. Until the aforementioned institutions are established the Parties agree to put in place Interim DDR bodies to:

[...]

25.2.4. Coordinate with the UN-DPKO mission on issues pertaining to DDR.

Page xiii; CHAPEAU OF THE COMPREHENSIVE PEACE AGREEMENT

THE PARTIES JOINTLY APPEAL to the Regional and International Community and call on Organizations and States which have been requested to witness the signing of this Agreement to provide and affirm their unwavering support to the implementation of the CPA, and further appeal to them to avail resources for the necessary and urgent programmes and activities of the transition to peace as contemplated and agreed herein;

[...]

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International
Assistance &
Advice

Page 4; CHAPTER I: THE MACHAKOS PROTOCOL; PART B: The Transition Process

2. There shall be a Pre-Interim Period, the duration of which shall be six (6) months.

2.1 During the Pre-Interim Period:

[...]

e) International assistance shall be sought; and

2.5 At the end of the six (6) year Interim Period there shall be an internationally monitored referendum, organized jointly by the GOS and the SPLM/A, for the

people of South Sudan to: confirm the unity of the Sudan by voting to adopt the system of government established under the Peace Agreement; or to vote for secession.

Page 18; CHAPTER II: POWER SHARING; PART I; 1. General Principles

1.8 Population Census, Elections and Representation:

[...]

1.8.7 International observers shall participate in the observation of elections;

Page 25; CHAPTER II: POWER SHARING; PART II; 2. Institutions at the National Level

2.5. The Government of National Unity

[...]

2.5.8 The Government of National Unity shall make decisions related to the ongoing or future activities of the organizations of the United Nations, bilateral, national, or international governmental and non-governmental organizations (NGOs), with a view toward ensuring equitable and transparent distribution of projects, activities, and employment of personnel in the whole of Sudan and especially the reconstruction of the war affected areas. There is to be an equivalent obligation on all levels of Government.

Page 27; CHAPTER II: POWER SHARING; PART II; 2. Institutions at the National Level

2.10 Other Independent and/or National Institutions to be Established in Accordance with the Peace Agreement:

2.10.1 The National Constitutional Review Commission, as detailed in Section 2.12 herein, shall also detail the mandate and provide for the appointment and other mechanisms to ensure the independence of the following institutions:-

[...]

2.10.1.5 An ad-hoc Commission to monitor and ensure accuracy, legitimacy, and transparency of the Referendum as mentioned in the Machakos Protocol on Self-Determination for the People of South Sudan, which shall also include international experts;

Page 43; CHAPTER II: POWER SHARING; PART V: SCHEDULES; Schedule D: Concurrent Powers

The National Government, the Government of Southern Sudan and State Governments, shall have legislative and executive competencies on any of the matters listed below during the Interim Period:-

[...]

19. Without prejudice to the National Regulation, and in the case of Southern States, the regulation of Southern Sudan Government, the initiation, negotiation and conclusion of International and Regional Agreements on culture, sports, trade, investment, credit, loans, grants and technical assistance with foreign governments and foreign non-governmental organizations;

Page 47-48; CHAPTER III: WEALTH SHARING; 1. Guiding Principles in Respect of an Equitable Sharing of Common Wealth

1.7 That, without prejudice to the provisions of paragraph 1.3 herein, Southern Sudan, and those areas in need of construction/reconstruction, shall be brought up to the same average level of socio-economic and public services standard as the Northern states. To achieve these objectives will take time and effort to build up local institutional, human, and economic capacity. For this purpose, two special funds shall be established as provided herein.

1.12 The Parties recognize that the National Government, during the Interim Period, will need to mobilize additional national resources.

1.13 There is a limit on how much additional national resources can be mobilized and part of the national needs in a post-conflict Sudan will have to be met by external assistance.

1.15 In agreeing to these wealth sharing arrangements the Parties signal to the international community that it will have to play a strong and constructive role in providing post-conflict construction/reconstruction assistance to Sudan, especially to Southern Sudan and other war affected and least developed areas.

1.16 The National Government shall assist the Government of Southern Sudan, during the Pre-Interim Period, in cooperation with international organizations, to develop and implement a program for capacity enhancement in the South. The highest priority should be public finance and intergovernmental relations, including expenditure management to ensure accountability.

Page 55-56; CHAPTER III: WEALTH SHARING; 6. Sharing of Non-Oil Revenue

6.2 The Government of Southern Sudan shall be entitled to revenue from the following sources and to raise and collect the below-listed taxes:

[...]

6.2.8 Grants in Aid and Foreign Aid;

6.3 The states/regions shall be entitled to raise and collect the below-listed taxes and revenue from the below listed sources:

[...]

6.3.10 Grants in Aid and Foreign Aid through the National Government and the GOSS;

[...]

Page 56; CHAPTER III: WEALTH SHARING; 7. Equalization and Allocation to the National, Southern Sudan and State/Regional Levels of Government in Respect of Revenue Collected Nationally

7.4 As a result of the allocation arrangements in paragraph 7.3 above, the Parties agree to appeal to the international and donor community to help the Government of Southern Sudan by providing post-conflict reconstruction assistance especially at the beginning of the transition.

Page 58; CHAPTER III: WEALTH SHARING; 13. Financing the Transition

13.1 The National Government shall assist, during the Pre-Interim Period to the extent that it is able, the SPLM/A in the establishment of the new transitional governments at the State/Regional level and the Government of Southern Sudan. The Government of Southern Sudan shall meet the direct costs of establishing these levels of government, with the assistance from the international community.

13.2. Upon signature of a Comprehensive Peace Agreement, the Parties shall establish a Joint National Transition Team to undertake the following:

[...]

13.2.2 Organize and prepare relevant documents for the donor conference, including the agenda of the conference, letters of invitations and be a secretariat to the donors' conference;

13.2.3 Develop fund raising strategies, and assist in the identification of potential sources of funds necessary for a smooth and timely commencement of the Interim Period.

Page 58; CHAPTER III: WEALTH SHARING; 14. Monetary Policy, Banking, Currency and Borrowing

B. Borrowing

[...]

14.15 The Government of Southern Sudan and the states/regions may borrow money from foreign sources based on their respective credit worthiness.

14.16 Foreign borrowing by all sub-national governments shall be done in a manner that does not undermine national macroeconomic policies and shall be consistent with the objective of maintaining external financial viability. All sub-national governments' foreign borrowing transactions shall conform to the CBOS specifications.

Page 61-62; CHAPTER III: WEALTH SHARING; 15. Reconstruction and Development Funds

A. Southern Sudan Reconstruction and Development Fund (SSRDF)

15.1. There shall be established a Southern Sudan Reconstruction and Development Fund (SSRDF) to solicit, raise and collect funds from domestic and international donors and disburse such funds for the reconstruction and rehabilitation of the infrastructure of the South, for the resettlement and reintegration of internally and externally displaced persons, and to address past imbalances in regional development and infrastructure.

15.2. A monitoring and evaluation system shall be established to ensure accountability, transparency, efficiency, equity and fairness in the utilization of resources.

15.3. The Government of Southern Sudan shall be responsible for expenditure from the fund and shall be entitled to raise additional funds by way of donation from foreign States, multilateral organizations, or other bodies for the purposes of the reconstruction and development of the southern states/regions. The Fund shall be transparently administered and professionally managed subject to an oversight committee appointed by the Government of Southern Sudan but having on it a representative of the National Ministry of Finance and of the National Audit Chamber.

B. National Reconstruction and Development Fund (NRDF)

15.4. There shall be established by the Treasury, a National Reconstruction and Development Fund (NRDF) having the mission of developing the war affected areas and least developed areas outside Southern Sudan and a steering committee with appropriate representation from such areas. A member of the Southern Sudan Ministry of Finance shall be a member of the Steering Committee. A report on the income, expenditure and the projects supported by the fund shall be placed before the National Assembly and the Council of States/Regions, which shall exercise oversight over the Fund.

C. Multi-Donor Trust Funds

15.5. The Parties recognize the need to establish, during the Pre-Interim Period, two Multi-Donor Trust Funds (MDTFs), one for the National Government and one for the Government of Southern Sudan to support urgent recurrent and investment budget costs under clearly stated criteria of eligible financing components. The Trust Funds shall be operational for the Pre-Interim Period, and shall thereafter be transformed into (i) one MDTF dedicated to the Southern Sudan Reconstruction and Development Fund (the "SSRDF"); and (ii) one MDTF dedicated to the National Reconstruction and Development Fund (the "NRDF").

15.6 The MDTFs shall commence immediately to support, among other things, priority areas of capacity building and institutional strengthening and quick start/impact programs identified by the Parties.

15.7 Both funds shall support urgent recurrent and investment budget costs under clearly stated criteria of eligible financing components, and both shall have the right to solicit, raise and collect funds from foreign donors.

15.8 All trust funds shall report the flow of funds to the CBOS.

15.9 To ensure proper accountability for funds disbursed through the MDTFs the Parties shall cause audits to be performed on funds used within six (6) months of the close of the recipient's financial year.

15.10 During the Pre-Interim as well as the Interim Period, funds may be channelled directly to finance activities beneficial to the National Government or the GOSS as the case may be.

15.11 During the Pre-Interim Period, the flow of foreign funds shall be through special accounts established in the Bank of Sudan for areas outside Southern Sudan and for Southern Sudan in a commercial bank in Southern Sudan until the Bank of Southern Sudan is established and operational. For the Interim Period: (i) the flow of foreign funds for the National Fund will go through the CBOS; and (ii) for the Southern Fund, the foreign funds will be disbursed through a special account at the Bank of Southern Sudan designated for the Government of Southern Sudan; or through arrangements as specified in the MDTF.

Page 67; CHAPTER IV: THE RESOLUTION OF THE ABYEI CONFLICT; 3. Financial Resources

3.2 In addition to the above financial resources, Abyei Area shall be entitled to:

[...]

3.2.6 Donations and grants.

3.4 The National Government shall appeal to the international and donor community to facilitate the return and resettlement of the residents of Abyei Area.

Page 78; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES

8. The State Share in the National Wealth

[...]

8.10 The Parties agree to appeal to the donor community to provide technical assistance to the FFAMC to develop comprehensive equalization criteria.

Page 82-83; CHAPTER V: THE RESOLUTION OF THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES

Schedule (B): Concurrent Powers

The National and State Governments shall have concurrent Legislative and Executive competencies on any of the matters listed below:-

[...]

17. The initiation and negotiation of international and regional agreements on culture, trade, investment, credit, loans, grants and technical assistance with foreign governments and foreign non-governmental organizations;

Schedule (D): State Revenue Sources

The state shall be entitled to raise and collect the taxes and revenues from the sources listed hereunder: -

[...]

14. Grants in Aid and Foreign Aid through the National Government.

Page 87; CHAPTER VI: SECURITY ARRANGEMENTS; 2. Ceasefire

The parties agree to an internationally monitored ceasefire which shall come into effect from the date of signature of a Comprehensive Peace Agreement. Details of the Ceasefire Agreement shall be worked out by the two parties together with the IGAD mediators and international experts.

Page 97-98; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART I: The Ceasefire Arrangements; 8. Disengagement

8.6. To safeguard against the menace and hazards posed by landmines and unexploded ordnance, the Parties agree that:
[...]

8.6.5 The UN Peace Support Mission, in conjunction with United Nations Mine Action Office, will assist the Parties' de-mining efforts by providing technical advice and coordination. The Parties shall, as necessary, seek additional de-mining assistance and advice from the UN Peace Support Mission;

8.6.6 The Parties shall establish by D Day + 30 Days two de-mining authorities (Northern and Southern) that shall work together and coordinate their de-mining activities and to work jointly in close cooperation with UN Mine Action Office;

Page 101; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART I: The Ceasefire Arrangements; 11. Other Armed Groups

11.6. DDR programme for the OAGs shall be worked out by Southern Sudan DDR Commission (SSDDRC) by the end of the Pre-Interim Period with technical assistance from international experts. All integration options shall be open in that programme.

Page 106; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART I: The Ceasefire Arrangements; 15. UN Peace Support Mission

15.2. The Parties call upon the international community to provide technical and financial assistance, given the financial constraints of GOS and particularly the nature and structure of SPLA, to expedite the implementation of the ceasefire activities.

Page 112; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART II: The Armed Forces; 20. The Status of Joint Integrated Units

20.10 Training of the Joint Integrated Units
[...]

20.10.5. The parties shall appeal to the international community to render additional technical, material and financial support to assist in forming and training the JIUs.

Page 116; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART II: The Armed Forces; 21. Funding of the Armed Forces

21.1. During the Interim Period, SAF forces and JIUs shall be funded by the National Government, whereas the SPLA forces shall be funded by the Government of Southern Sudan, subject to the principle of proportional downsizing as per Security Arrangements Protocol and the approval of Southern Sudan Legislature. To meet this obligation, the Government of Southern Sudan shall raise financial resources from both local and foreign sources and seek international assistance. These financial resources shall be channeled through the Bank of Southern Sudan and managed according to the principles of Wealth Sharing Protocol.

Page 117; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART II: The Armed Forces; 22. Policing Issues and Domestic Security

22.5. The Parties call upon the international community to assist in the areas of training, establishment and capacity building of police and other law enforcement agencies for the sustenance of peace and rule of law;

Page 118-19; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART III: Demobilization, Disarmament, Re-Integration and Reconciliation; 24. Guiding Principles

24.3. That the DDR process in the Sudan shall be led by recognized state institutions and international partners shall only play a supportive role to these institutions. The process shall be sustained through cooperation and coordination with local NGOs and active support from the international community by facilitating and extending material and technical assistance throughout the entire DDR process and the transition from war to peace.

24.11. UNICEF, ICRC and other international organizations are called upon to assist in the child component of the DDR in the Sudan;

24.12. That adequate financial and logistical support shall be mobilized by the international community including governments, governmental agencies, humanitarian organizations and non-governmental organizations (NGOs).

Page 119-20; ANNEXURE I: PERMANENT CEASEFIRE AND SECURITY ARRANGEMENTS IMPLEMENTATION MODALITIES AND APPENDICES; PART III: Demobilization, Disarmament, Re-Integration and Reconciliation

25. DDR Institutions

[...]

25.2. Until the aforementioned institutions are established the Parties agree to put in place Interim DDR bodies to:

[...]

25.2.3. Commence technical discussion with international donors and agencies regarding partnership and funding requirements and modalities for the DDR implementation programmes.

25.2.8. Prepare in collaboration with the international actors data collection, including socio-economic surveys in the areas where the DDR programmes will be implemented and undertake needs assessment to provide data on target groups.

26. Previous Contractual Obligations

Recognizing that both Parties have existing contractual arrangements with international organizations and agencies related to DDR, the Parties agree:

26.1. To commence a process of negotiations with these agencies and organizations to close down and transfer current DDR-related activities to the incoming DDR institutions.

26.2. That the interim DDR bodies shall undertake the task of leading and concluding these negotiations, and shoulder the operational responsibility of the activities thereafter.

MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE REPUBLIC OF INDONESIA AND THE FREE ACEH MOVEMENT (HELSINKI MOU)

Page 1-2; 1. Governing of Aceh; 1.1. Law on the Governing of Aceh

1.1.1 A new Law on the Governing of Aceh will be promulgated and will enter into force as soon as possible and not later than 31 March 2006.

1.1.2 The new Law on the Governing of Aceh will be based on the following principles:

a) Aceh will exercise authority within all sectors of public affairs, which will be administered in conjunction with its civil and judicial administration, except in the fields of foreign affairs, external defence, national security, monetary and fiscal matters, justice and freedom of religion, the policies of which belong to the Government of the Republic of Indonesia in conformity with the Constitution.

b) International agreements entered into by the Government of Indonesia which relate to matters of special interest to Aceh will be entered into in consultation with and with the consent of the legislature of Aceh.

c) Decisions with regard to Aceh by the legislature of the Republic of Indonesia will be taken in consultation with and with the consent of the legislature of Aceh.

d) Administrative measures undertaken by the Government of Indonesia with regard to Aceh will be implemented in consultation with and with the consent of the head of the Aceh administration.

1.1.3 The name of Aceh and the titles of senior elected officials will be determined by the legislature of Aceh after the next elections.

1.1.4 The borders of Aceh correspond to the borders as of 1 July 1956.

1.1.5 Aceh has the right to use regional symbols including a flag, a crest and a hymn.

1.1.6 Kanun Aceh will be re-established for Aceh respecting the historical traditions and customs of the people of Aceh and reflecting contemporary legal requirements of Aceh.

1.1.7 The institution of Wali Nanggroe with all its ceremonial attributes and entitlements will be established.

ps_pol

Political Power-sharing

Page 2-3; 1. Governing of Aceh; 1.3. Economy

1.3.1 Aceh has the right to raise funds with external loans. Aceh has the right to set interest rates beyond that set by the Central Bank of the Republic of Indonesia.

1.3.2 Aceh has the right to set and raise taxes to fund official internal activities. Aceh has the right to conduct trade and business internally and internationally and to seek foreign direct investment and tourism to Aceh.

1.3.3 Aceh will have jurisdiction over living natural resources in the territorial sea surrounding Aceh.

1.3.4 Aceh is entitled to retain seventy (70) per cent of the revenues from all current and future hydrocarbon deposits and other natural resources in the territory of Aceh as well as in the territorial sea surrounding Aceh.

1.3.5 Aceh conducts the development and administration of all seaports and airports within the territory of Aceh.

ps_eco

Economic Power-sharing

		<p>1.3.6 Aceh will enjoy free trade with all other parts of the Republic of Indonesia unhindered by taxes, tariffs or other restrictions.</p> <p>1.3.7 Aceh will enjoy direct and unhindered access to foreign countries, by sea and air.</p> <p>1.3.8 Gol commits to the transparency of the collection and allocation of revenues between the Central Government and Aceh by agreeing to outside auditors to verify this activity and to communicate the results to the head of the Aceh administration.</p> <p>1.3.9 GAM will nominate representatives to participate fully at all levels in the commission established to conduct the post-tsunami reconstruction (BRR).</p>
ps_mil	Military Power-sharing	<p>Page 5; 4. Security arrangements</p> <p>4.7 The number of organic military forces to remain in Aceh after the relocation is 14700. The number of organic police forces to remain in Aceh after the relocation is 9100.</p> <p>4.10 Organic police forces will be responsible for upholding internal law and order in Aceh.</p> <p>4.11 Military forces will be responsible for upholding external defence of Aceh. In normal peacetime circumstances, only organic military forces will be present in Aceh.</p> <p>4.12 Members of the Aceh organic police force will receive special training in Aceh and overseas with emphasis on respect for human rights.</p>
tj_amn	Amnesty	<p>Page 4; 3. Amnesty and reintegration into society; 3.1 Amnesty</p> <p>3.1.1 GOI will, in accordance with constitutional procedures, grant amnesty to all persons who have participated in GAM activities as soon as possible and not later than within 15 days of the signature of this MoU.</p> <p>3.1.4 Use of weapons by GAM personnel after the signature of this MoU will be regarded as a violation of the MoU and will disqualify the person from amnesty.</p> <p>Page 4; 3. Amnesty and reintegration into society; 3.2. Reintegration into society</p> <p>3.2.1 As citizens of the Republic of Indonesia, all persons having been granted amnesty or released from prison or detention will have all political, economic and social rights as well as the right to participate freely in the political process both in Aceh and on the national level.</p> <p>Page 6; 5. Establishment of the Aceh Monitoring Mission</p> <p>5.2 The tasks of the AMM are to: [...] f) rule on disputed amnesty cases,</p>
tj_pri	Prisoner Release	<p>Page 4; 3. Amnesty and reintegration into society; 3.1 Amnesty</p> <p>3.1.2 Political prisoners and detainees held due to the conflict will be released unconditionally as soon as possible and not later than within 15 days of the signature of this MoU.</p> <p>Page 4; 3. Amnesty and reintegration into society; 3.2. Reintegration into society</p> <p>3.2.1 As citizens of the Republic of Indonesia, all persons having been granted amnesty or released from prison or detention will have all political, economic</p>

		<p>and social rights as well as the right to participate freely in the political process both in Aceh and on the national level.</p> <p>3.2.3 Gol and the authorities of Aceh will take measures to assist persons who have participated in GAM activities to facilitate their reintegration into the civil society. These measures include economic facilitation to former combatants, pardoned political prisoners and affected civilians. A Reintegration Fund under the administration of the authorities of Aceh will be established.</p> <p>3.2.5 Gol will allocate suitable farming land as well as funds to the authorities of Aceh for the purpose of facilitating the reintegration to society of the former combatants and the compensation for political prisoners and affected civilians. The authorities of Aceh will use the land and funds as follows:</p> <p>b) All pardoned political prisoners will receive an allocation of suitable farming land, employment or, in the case of incapacity to work, adequate social security from the authorities of Aceh.</p>
tj_hum	Human Rights	<p>Page 3; 1.4. Rule of law</p> <p>1.4.2 The legislature of Aceh will redraft the legal code for Aceh on the basis of the universal principles of human rights as provided for in the United Nations International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights.</p> <p>Page 3; 2. Human rights</p> <p>2.1 Gol will adhere to the United Nations International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights.</p> <p>2.2 A Human Rights Court will be established for Aceh.</p> <p>Page 5; 4. Security arrangements</p> <p>4.12. Members of the Aceh organic police force will receive special training in Aceh and overseas with emphasis on respect for human rights.</p>
tj_min	Indigenous & Minority Rights	<p>Page 2; 1. Governing of Aceh; 1.1. Law on the Governing of Aceh</p> <p>1.1.5 Aceh has the right to use regional symbols including a flag, a crest and a hymn.</p> <p>1.1.6 Kanun Aceh will be re-established for Aceh respecting the historical traditions and customs of the people of Aceh and reflecting contemporary legal requirements of Aceh.</p> <p>1.1.7 The institution of Wali Nanggroe with all its ceremonial attributes and entitlements will be established.</p>
tj_wom	Women's Rights & Gender Issues	
tj_civ	Civil & Political Rights	<p>Page 2; 1. Governing of Aceh; 1.2. Political participation</p> <p>1.2.6. Full participation of all Acehnese people in local and national elections will be guaranteed in accordance with the Constitution of the Republic of Indonesia.</p> <p>Page 4; 3. Amnesty and reintegration into society; 3.2. Reintegration into society</p>

		<p>3.2.1 As citizens of the Republic of Indonesia, all persons having been granted amnesty or released from prison or detention will have all political, economic and social rights as well as the right to participate freely in the political process both in Aceh and on the national level.</p> <p>3.2.2 Persons who during the conflict have renounced their citizenship of the Republic of Indonesia will have the right to regain it.</p>
tj_esc	Economic, Social & Cultural Rights	<p>Page 4; 3. Amnesty and reintegration into society; 3.2. Reintegration into society</p> <p>3.2.5 GoI will allocate suitable farming land as well as funds to the authorities of Aceh for the purpose of facilitating the reintegration to society of the former combatants and the compensation for political prisoners and affected civilians. The authorities of Aceh will use the land and funds as follows:</p> <p>a) All former combatants will receive an allocation of suitable farming land, employment or, in the case of incapacity to work, adequate social security from the authorities of Aceh.</p> <p>b) All pardoned political prisoners will receive an allocation of suitable farming land, employment or, in the case of incapacity to work, adequate social security from the authorities of Aceh.</p> <p>c) All civilians who have suffered a demonstrable loss due to the conflict will receive an allocation of suitable farming land, employment or, in the case of incapacity to work, adequate social security from the authorities of Aceh.</p>
tj_vic	Victims & Reparations	<p>Page 4-5; 3. Amnesty and reintegration into society; 3.2 Reintegration into society</p> <p>3.2.4 GoI will allocate funds for the rehabilitation of public and private property destroyed or damaged as a consequence of the conflict to be administered by the authorities of Aceh.</p> <p>3.2.5 GoI will allocate suitable farming land as well as funds to the authorities of Aceh for the purpose of facilitating the reintegration to society of the former combatants and the compensation for political prisoners and affected civilians. The authorities of Aceh will use the land and funds as follows: [...]</p> <p>c) All civilians who have suffered a demonstrable loss due to the conflict will receive an allocation of suitable farming land, employment or, in the case of incapacity to work, adequate social security from the authorities of Aceh.</p> <p>3.2.6 The authorities of Aceh and GoI will establish a joint Claims Settlement Commission to deal with unmet claims.</p>
tj_ref	Refugees & Internally Displaced Persons	
tj_tru	Truth & Reconciliation Commission	<p>Page 3; 2 Human rights</p> <p>2.3 A Commission for Truth and Reconciliation will be established for Aceh by the Indonesian Commission of Truth and Reconciliation with the task of formulating and determining reconciliation measures.</p>
tj_rec	Reconciliation	<p>Page 3; 2. Human rights</p> <p>2.3. A Commission for Truth and Reconciliation will be established for Aceh by the Indonesian Commission of Truth and Reconciliation with the task of formulating and determining reconciliation measures.</p>

<p>tj_pro</p>	<p>Protection Measures</p>
<p>tr_con</p>	<p>Constitutional Reform</p> <p>Page 1; 1. Governing of Aceh; 1.1. Law on the Governing of Aceh</p> <p>1.1.2 The new Law on the Governing of Aceh will be based on the following principles:</p> <p>a) Aceh will exercise authority within all sectors of public affairs, which will be administered in conjunction with its civil and judicial administration, except in the fields of foreign affairs, external defence, national security, monetary and fiscal matters, justice and freedom of religion, the policies of which belong to the Government of the Republic of Indonesia in conformity with the Constitution. [...]</p> <p>Page 2; 1. Governing of Aceh; 1.2. Political participation</p> <p>1.2.6 Full participation of all Acehnese people in local and national elections will be guaranteed in accordance with the Constitution of the Republic of Indonesia.</p>
<p>tr_leg</p>	<p>Legislative Branch Reform</p> <p>Page 1-2; 1. Governing of Aceh; 1.1. Law on the Governing of Aceh</p> <p>1.1.2 The new Law on the Governing of Aceh will be based on the following principles: [...]</p> <p>b) International agreements entered into by the Government of Indonesia which relate to matters of special interest to Aceh will be entered into in consultation with and with the consent of the legislature of Aceh.</p> <p>c) Decisions with regard to Aceh by the legislature of the Republic of Indonesia will be taken in consultation with and with the consent of the legislature of Aceh. [...]</p> <p>1.1.3 The name of Aceh and the titles of senior elected officials will be determined by the legislature of Aceh after the next elections.</p> <p>Page 2; 1. Governing of Aceh; 1.2. Political participation</p> <p>1.2.4 Until 2009 the legislature of Aceh will not be entitled to enact any laws without the consent of the head of the Aceh administration.</p> <p>Page 3; 1. Governing of Aceh; 1.4. Rule of law</p> <p>1.4.1 The separation of powers between the legislature, the executive and the judiciary will be recognised.</p> <p>Page 6; 5. Establishment of the Aceh Monitoring Mission</p> <p>5.2 The tasks of the AMM are to: [...]</p> <p>e) monitor the process of legislation change,</p>

tr_exe	Executive Branch Reform	
tr_jud	Judiciary Reform	<p>Page 3; 1. Governing of Aceh; 1.4. Rule of law</p> <p>1.4.1 The separation of powers between the legislature, the executive and the judiciary will be recognised.</p> <p>1.4.3 An independent and impartial court system, including a court of appeals, will be established for Aceh within the judicial system of the Republic of Indonesia.</p> <p>1.4.5 All civilian crimes committed by military personnel in Aceh will be tried in civil courts in Aceh.</p> <p>Page 3; 2 Human rights</p> <p>2.2 A Human Rights Court will be established for Aceh.</p>
tr_adm	Public Administration Reform	<p>Page 1; 1. Governing of Aceh; 1.1. Law on the Governing of Aceh</p> <p>1.1.2 The new Law on the Governing of Aceh will be based on the following principles: [...] d) Administrative measures undertaken by the Government of Indonesia with regard to Aceh will be implemented in consultation with and with the consent of the head of the Aceh administration.</p> <p>Page 3; 1. Governing of Aceh; 1.4. Rule of law</p> <p>1.4.4 The appointment of the Chief of the organic police forces and the prosecutors shall be approved by the head of the Aceh administration. The recruitment and training of organic police forces and prosecutors will take place in consultation with and with the consent of the head of the Aceh administration in compliance with the applicable national standards.</p>
tr_mil	Military Reform	<p>Page 5; 3. Amnesty and reintegration into society; 3.2. Reintegration into society</p> <p>3.2.7 GAM combatants will have the right to seek employment in the organic police and organic military forces in Aceh without discrimination and in conformity with national standards.</p> <p>Page 5; 4. Security arrangements</p> <p>4.7 The number of organic military forces to remain in Aceh after the relocation is 14700. The number of organic police forces to remain in Aceh after the relocation is 9100.</p> <p>4.8 There will be no major movements of military forces after the signing of this MoU. All movements more than a platoon size will require prior notification to the Head of the Monitoring Mission.</p> <p>4.11 Military forces will be responsible for upholding external defence of Aceh. In normal peacetime circumstances, only organic military forces will be present in Aceh.</p>

<p>tr_pol Police Reform</p>	<p>Page 3; 1. Governing of Aceh; 1.4. Rule of law</p> <p>1.4.4 The appointment of the Chief of the organic police forces and the prosecutors shall be approved by the head of the Aceh administration. The recruitment and training of organic police forces and prosecutors will take place in consultation with and with the consent of the head of the Aceh administration in compliance with the applicable national standards.</p> <p>Page 5; 3. Amnesty and reintegration into society; 3.2. Reintegration into society</p> <p>3.2.7 GAM combatants will have the right to seek employment in the organic police and organic military forces in Aceh without discrimination and in conformity with national standards.</p> <p>Page 5; 4. Security arrangements</p> <p>4.7 The number of organic military forces to remain in Aceh after the relocation is 14700. The number of organic police forces to remain in Aceh after the relocation is 9100.</p> <p>4.10 Organic police forces will be responsible for upholding internal law and order in Aceh.</p> <p>4.12 Members of the Aceh organic police force will receive special training in Aceh and overseas with emphasis on respect for human rights.</p>
<p>tr_edu Education Reform</p>	
<p>tr_med Media Reform</p>	<p>Page 7; 5. Establishment of the Aceh Monitoring Mission</p> <p>5.15 In order to facilitate transparency, Gol will allow full access for the representatives of national and international media to Aceh.</p>
<p>tr_ddd Demobilization, Disarmament & Reintegration</p>	<p>Page 4-5; 3. Amnesty and reintegration into society; 3.2. Reintegration into society</p> <p>3.2.2 Persons who during the conflict have renounced their citizenship of the Republic of Indonesia will have the right to regain it.</p> <p>3.2.3 Gol and the authorities of Aceh will take measures to assist persons who have participated in GAM activities to facilitate their reintegration into the civil society. These measures include economic facilitation to former combatants, pardoned political prisoners and affected civilians. A Reintegration Fund under the administration of the authorities of Aceh will be established.</p> <p>3.2.4 Gol will allocate funds for the rehabilitation of public and private property destroyed or damaged as a consequence of the conflict to be administered by the authorities of Aceh.</p> <p>3.2.5 Gol will allocate suitable farming land as well as funds to the authorities of Aceh for the purpose of facilitating the reintegration to society of the former combatants and the compensation for political prisoners and affected civilians. The authorities of Aceh will use the land and funds as follows:</p> <p>a) All former combatants will receive an allocation of suitable farming land, employment or, in the case of incapacity to work, adequate social security from the authorities of Aceh.</p> <p>[...]</p>

3.2.7 GAM combatants will have the right to seek employment in the organic police and organic military forces in Aceh without discrimination and in conformity with national standards.

Page 5; 4. Security arrangements

4.2 GAM undertakes to demobilise all of its 3000 military troops. GAM members will not wear uniforms or display military insignia or symbols after the signing of this MoU.

4.3 GAM undertakes the decommissioning of all arms, ammunition and explosives held by the participants in GAM activities with the assistance of the Aceh Monitoring Mission (AMM). GAM commits to hand over 840 arms.

4.4 The decommissioning of GAM armaments will begin on 15 September 2005 and will be executed in four stages and concluded by 31 December 2005.

4.5 Gol will withdraw all elements of non-organic military and non-organic police forces from Aceh.

4.6 The relocation of non-organic military and non-organic police forces will begin on 15 September 2005 and will be executed in four stages in parallel with the GAM decommissioning immediately after each stage has been verified by the AMM, and concluded by 31 December 2005.

4.7 The number of organic military forces to remain in Aceh after the relocation is 14700. The number of organic police forces to remain in Aceh after the relocation is 9100.

4.8 There will be no major movements of military forces after the signing of this MoU. All movements more than a platoon size will require prior notification to the Head of the Monitoring Mission.

4.9 Gol undertakes the decommissioning of all illegal arms, ammunition and explosives held by any possible illegal groups and parties.

Page 6; 5. Establishment of the Aceh Monitoring Mission

5.9 Gol will provide weapons collection points and support mobile weapons collection teams in collaboration with GAM.

5.10 Immediate destruction will be carried out after the collection of weapons and ammunitions. This process will be fully documented and publicised as appropriate.

Page 1-2; 1. Governing of Aceh; 1.1. Law on the Governing of Aceh

1.1.1 A new Law on the Governing of Aceh will be promulgated and will enter into force as soon as possible and not later than 31 March 2006.

1.1.3 The name of Aceh and the titles of senior elected officials will be determined by the legislature of Aceh after the next elections.

Page 2; 1. Governing of Aceh; 1.2. Political participation

1.2.1 As soon as possible and not later than one year from the signing of this MoU, Gol agrees to and will facilitate the establishment of Aceh-based political parties that meet national criteria. Understanding the aspirations of Acehnese people for local political parties, Gol will create, within one year or at the latest 18 months from the signing of this MoU, the political and legal conditions for the establishment of local political parties in Aceh in consultation with Parliament. The timely implementation of this MoU will contribute positively to this end.

1.2.2 Upon the signature of this MoU, the people of Aceh will have the right to nominate candidates for the positions of all elected officials to contest the elections in Aceh in April 2006 and thereafter.

tr_tim

Transitional
Timeline

1.2.3 Free and fair local elections will be organised under the new Law on the Governing of Aceh to elect the head of the Aceh administration and other elected officials in April 2006 as well as the legislature of Aceh in 2009.

1.2.4 Until 2009 the legislature of Aceh will not be entitled to enact any laws without the consent of the head of the Aceh administration.

1.2.5 All Acehnese residents will be issued new conventional identity cards prior to the elections of April 2006.

Page 4; 3. Amnesty and reintegration into society; 3.1. Amnesty

3.1.1 Gol will, in accordance with constitutional procedures, grant amnesty to all persons who have participated in GAM activities as soon as possible and not later than within 15 days of the signature of this MoU.

3.1.2 Political prisoners and detainees held due to the conflict will be released unconditionally as soon as possible and not later than within 15 days of the signature of this MoU.

3.1.4 Use of weapons by GAM personnel after the signature of this MoU will be regarded as a violation of the MoU and will disqualify the person from amnesty.

Page 5; 4. Security arrangements

4.1 All acts of violence between the parties will end latest at the time of the signing of this MoU.

4.2 GAM undertakes to demobilise all of its 3000 military troops. GAM members will not wear uniforms or display military insignia or symbols after the signing of this MoU.

4.4 The decommissioning of GAM armaments will begin on 15 September 2005 and will be executed in four stages and concluded by 31 December 2005.

4.6 The relocation of non-organic military and non-organic police forces will begin on 15 September 2005 and will be executed in four stages in parallel with the GAM decommissioning immediately after each stage has been verified by the AMM, and concluded by 31 December 2005.

Page 2; 1. Governing of Aceh; 1.2. Political participation

1.2.1 As soon as possible and not later than one year from the signing of this MoU, Gol agrees to and will facilitate the establishment of Aceh-based political parties that meet national criteria. Understanding the aspirations of Acehnese people for local political parties, Gol will create, within one year or at the latest 18 months from the signing of this MoU, the political and legal conditions for the establishment of local political parties in Aceh in consultation with Parliament. The timely implementation of this MoU will contribute positively to this end.

1.2.2 Upon the signature of this MoU, the people of Aceh will have the right to nominate candidates for the positions of all elected officials to contest the elections in Aceh in April 2006 and thereafter.

1.2.3 Free and fair local elections will be organised under the new Law on the Governing of Aceh to elect the head of the Aceh administration and other elected officials in April 2006 as well as the legislature of Aceh in 2009.

1.2.5 All Acehnese residents will be issued new conventional identity cards prior to the elections of April 2006.

1.2.6 Full participation of all Acehnese people in local and national elections will be guaranteed in accordance with the Constitution of the Republic of Indonesia.

tr_epr

Electoral & Political
Party Reform

1.2.7 Outside monitors will be invited to monitor the elections in Aceh. Local elections may be undertaken with outside technical assistance.

1.2.8 There will be full transparency in campaign funds.

Page 1; [Untitled Preamble]

The parties are deeply convinced that only the peaceful settlement of the conflict will enable the rebuilding of Aceh after the tsunami disaster on 26 December 2004 to progress and succeed.

Page 2-3; 1. Governing of Aceh; 1.3. Economy

1.3.1 Aceh has the right to raise funds with external loans. Aceh has the right to set interest rates beyond that set by the Central Bank of the Republic of Indonesia.

1.3.2 Aceh has the right to set and raise taxes to fund official internal activities. Aceh has the right to conduct trade and business internally and internationally and to seek foreign direct investment and tourism to Aceh.

1.3.3 Aceh will have jurisdiction over living natural resources in the territorial sea surrounding Aceh.

1.3.4 Aceh is entitled to retain seventy (70) per cent of the revenues from all current and future hydrocarbon deposits and other natural resources in the territory of Aceh as well as in the territorial sea surrounding Aceh.

1.3.5 Aceh conducts the development and administration of all seaports and airports within the territory of Aceh.

1.3.6 Aceh will enjoy free trade with all other parts of the Republic of Indonesia unhindered by taxes, tariffs or other restrictions.

1.3.7 Aceh will enjoy direct and unhindered access to foreign countries, by sea and air.

1.3.8 Gol commits to the transparency of the collection and allocation of revenues between the Central Government and Aceh by agreeing to outside auditors to verify this activity and to communicate the results to the head of the Aceh administration.

1.3.9 GAM will nominate representatives to participate fully at all levels in the commission established to conduct the post-tsunami reconstruction (BRR).

Page 4; 3. Amnesty and reintegration into society; 3.2. Reintegration into society

3.2.4 Gol will allocate funds for the rehabilitation of public and private property destroyed or damaged as a consequence of the conflict to be administered by the authorities of Aceh.

3.2.5 Gol will allocate suitable farming land as well as funds to the authorities of Aceh for the purpose of facilitating the reintegration to society of the former combatants and the compensation for political prisoners and affected civilians. The authorities of Aceh will use the land and funds as follows:

a) All former combatants will receive an allocation of suitable farming land, employment or, in the case of incapacity to work, adequate social security from the authorities of Aceh.

b) All pardoned political prisoners will receive an allocation of suitable farming land, employment or, in the case of incapacity to work, adequate social security from the authorities of Aceh.

tr_dev

Socio-Economic
Development

		<p>c) All civilians who have suffered a demonstrable loss due to the conflict will receive an allocation of suitable farming land, employment or, in the case of incapacity to work, adequate social security from the authorities of Aceh.</p> <p>Page 6; 5. Establishment of the Aceh Monitoring Mission</p> <p>5.14 Gol will authorise appropriate measures regarding emergency medical service and hospitalisation for AMM personnel.</p>
tr_cul	Cultural Heritage/ Protections	<p>Page 2; 1. Governing of Aceh; 1.1. Law on the Governing of Aceh</p> <p>1.1.5 Aceh has the right to use regional symbols including a flag, a crest and a hymn.</p> <p>1.1.6 Kanun Aceh will be re-established for Aceh respecting the historical traditions and customs of the people of Aceh and reflecting contemporary legal requirements of Aceh.</p> <p>1.1.7 The institution of Wali Nanggroe with all its ceremonial attributes and entitlements will be established.</p>
tr_fin	Financial Arrangements	<p>Page 2-3; 1. Governing of Aceh; 1.3. Economy</p> <p>1.3.1 Aceh has the right to raise funds with external loans. Aceh has the right to set interest rates beyond that set by the Central Bank of the Republic of Indonesia.</p> <p>1.3.2 Aceh has the right to set and raise taxes to fund official internal activities. Aceh has the right to conduct trade and business internally and internationally and to seek foreign direct investment and tourism to Aceh.</p> <p>1.3.6 Aceh will enjoy free trade with all other parts of the Republic of Indonesia unhindered by taxes, tariffs or other restrictions.</p> <p>1.3.8 GOI commits to the transparency of the collection and allocation of revenues between the Central Government and Aceh by agreeing to outside auditors to verify this activity and to communicate the results to the head of the Aceh administration.</p> <p>Page 4; 3. Amnesty and reintegration into society; 3.2. Reintegration into society</p> <p>3.2.3 [...] A Reintegration Fund under the administration of the authorities of Aceh will be established.</p> <p>3.2.4 Gol will allocate funds for the rehabilitation of public and private property destroyed or damaged as a consequence of the conflict to be administered by the authorities of Aceh.</p> <p>3.2.5 Gol will allocate suitable farming land as well as funds to the authorities of Aceh for the purpose of facilitating the reintegration to society of the former combatants and the compensation for political prisoners and affected civilians. The authorities of Aceh will use the land and funds as follows: [...]</p>
tj_dsm	Dispute Settlement Mechanisms	<p>Page 4; 3. Amnesty and reintegration into society; 3.1. Amnesty</p> <p>3.1.3 The Head of the Monitoring Mission will decide on disputed cases based on advice from the legal advisor of the Monitoring Mission.</p> <p>Page 4; 3. Amnesty and reintegration into society; 3.2. Reintegration into society</p> <p>3.2.6 The authorities of Aceh and Gol will establish a joint Claims Settlement Commission to deal with unmet claims.</p>

Page 6; 5. Establishment of the Aceh Monitoring Mission

5.2. The tasks of the AMM are to:

[...]

g) investigate and rule on complaints and alleged violations of the MoU,

Page 7; 6. Dispute settlement

6.1 In the event of disputes regarding the implementation of this MoU, these will be resolved promptly as follows:

a) As a rule, eventual disputes concerning the implementation of this MoU will be resolved by the Head of Monitoring Mission, in dialogue with the parties, with all parties providing required information immediately. The Head of Monitoring Mission will make a ruling which will be binding on the parties.

b) If the Head of Monitoring Mission concludes that a dispute cannot be resolved by the means described above, the dispute will be discussed together by the Head of Monitoring Mission with the senior representative of each party. Following this, the Head of Monitoring Mission will make a ruling which will be binding on the parties.

c) In cases where disputes cannot be resolved by either of the means described above, the Head of Monitoring Mission will report directly to the Coordinating Minister for Political, Law and Security Affairs of the Republic of Indonesia, the political leadership of GAM and the Chairman of the Board of Directors of the Crisis Management Initiative, with the EU Political and Security Committee informed. After consultation with the parties, the Chairman of the Board of Directors of the Crisis Management Initiative will make a ruling which will be binding on the parties.

Page 4; 3. Amnesty and reintegration into society; 3.1. Amnesty

3.1.3 The Head of the Monitoring Mission will decide on disputed cases based on advice from the legal advisor of the Monitoring Mission.

Page 5; 4. Security arrangements

4.3 GAM undertakes the decommissioning of all arms, ammunition and explosives held by the participants in GAM activities with the assistance of the Aceh Monitoring Mission (AMM). GAM commits to hand over 840 arms.

4.6 The relocation of non-organic military and non-organic police forces will begin on 15 September 2005 and will be executed in four stages in parallel with the GAM decommissioning immediately after each stage has been verified by the AMM, and concluded by 31 December 2005.

4.8 There will be no major movements of military forces after the signing of this MoU. All movements more than a platoon size will require prior notification to the Head of the Monitoring Mission.

Page 5-6; 5. Establishment of the Aceh Monitoring Mission

5.1 An Aceh Monitoring Mission (AMM) will be established by the European Union and ASEAN contributing countries with the mandate to monitor the implementation of the commitments taken by the parties in this Memorandum of Understanding.

5.2 The tasks of the AMM are to:

a) monitor the demobilisation of GAM and decommissioning of its armaments,
b) monitor the relocation of non-organic military forces and non-organic police troops,

c) monitor the reintegration of active GAM members,

d) monitor the human rights situation and provide assistance in this field,

e) monitor the process of legislation change,

ia_ver

Verification &
Monitoring
Mechanism

- f) rule on disputed amnesty cases,
- g) investigate and rule on complaints and alleged violations of the MoU,
- h) establish and maintain liaison and good cooperation with the parties.

5.3 A Status of Mission Agreement (SoMA) between Gol and the European Union will be signed after this MoU has been signed. The SoMA defines the status, privileges and immunities of the AMM and its members. ASEAN contributing countries which have been invited by Gol will confirm in writing their acceptance of and compliance with the SoMA.

5.4 Gol will give all its support for the carrying out of the mandate of the AMM. To this end, Gol will write a letter to the European Union and ASEAN contributing countries expressing its commitment and support to the AMM.

5.5 GAM will give all its support for the carrying out of the mandate of the AMM. To this end, GAM will write a letter to the European Union and ASEAN contributing countries expressing its commitment and support to the AMM.

5.6 The parties commit themselves to provide AMM with secure, safe and stable working conditions and pledge their full cooperation with the AMM.

5.7 Monitors will have unrestricted freedom of movement in Aceh. Only those tasks which are within the provisions of the MoU will be accepted by the AMM. Parties do not have a veto over the actions or control of the AMM operations.

5.8 Gol is responsible for the security of all AMM personnel in Indonesia. The mission personnel do not carry arms. The Head of Monitoring Mission may however decide on an exceptional basis that a patrol will not be escorted by Gol security forces. In that case, Gol will be informed and the Gol will not assume responsibility for the security of this patrol.

5.9 Gol will provide weapons collection points and support mobile weapons collection teams in collaboration with GAM.

5.10 Immediate destruction will be carried out after the collection of weapons and ammunitions. This process will be fully documented and publicised as appropriate.

5.11 AMM reports to the Head of Monitoring Mission who will provide regular reports to the parties and to others as required, as well as to a designated person or office in the European Union and ASEAN contributing countries.

5.12 Upon signature of this MoU each party will appoint a senior representative to deal with all matters related to the implementation of this MoU with the Head of Monitoring Mission.

5.13 The parties commit themselves to a notification responsibility procedure to the AMM, including military and reconstruction issues.

5.14 Gol will authorise appropriate measures regarding emergency medical service and hospitalisation for AMM personnel.

Page 7; 6. Dispute settlement

6.1 In the event of disputes regarding the implementation of this MoU, these will be resolved promptly as follows:

a) As a rule, eventual disputes concerning the implementation of this MoU will be resolved by the Head of Monitoring Mission, in dialogue with the parties, with all parties providing required information immediately. The Head of Monitoring Mission will make a ruling which will be binding on the parties.

b) If the Head of Monitoring Mission concludes that a dispute cannot be resolved by the means described above, the dispute will be discussed together by the Head of Monitoring Mission with the senior representative of each party. Following this, the Head of Monitoring Mission will make a ruling which will be binding on the parties.

c) In cases where disputes cannot be resolved by either of the means described above, the Head of Monitoring Mission will report directly to the

Coordinating Minister for Political, Law and Security Affairs of the Republic of Indonesia, the political leadership of GAM and the Chairman of the Board of Directors of the Crisis Management Initiative, with the EU Political and Security Committee informed. [...]

ia_pko

Peacekeeping

Page 2; 1. Governing of Aceh; 1.2. Political participation

1.2.7 Outside monitors will be invited to monitor the elections in Aceh. Local elections may be undertaken with outside technical assistance.

Page 5; 4. Security arrangements

4.3 GAM undertakes the decommissioning of all arms, ammunition and explosives held by the participants in GAM activities with the assistance of the Aceh Monitoring Mission (AMM). [...]

Page 5-6; 5. Establishment of the Aceh Monitoring Mission

5.1 An Aceh Monitoring Mission (AMM) will be established by the European Union and ASEAN contributing countries with the mandate to monitor the implementation of the commitments taken by the parties in this Memorandum of Understanding.

5.2 The tasks of the AMM are to:
[...]

d) monitor the human rights situation and provide assistance in this field,

5.3 A Status of Mission Agreement (SoMA) between Gol and the European Union will be signed after this MoU has been signed. The SoMA defines the status, privileges and immunities of the AMM and its members. ASEAN contributing countries which have been invited by Gol will confirm in writing their acceptance of and compliance with the SoMA.

5.4 Gol will give all its support for the carrying out of the mandate of the AMM. To this end, Gol will write a letter to the European Union and ASEAN contributing countries expressing its commitment and support to the AMM.

Page 7; 6. Dispute settlement

6.1 In the event of disputes regarding the implementation of this MoU, these will be resolved promptly as follows:
[...]

c) In cases where disputes cannot be resolved by either of the means described above, the Head of Monitoring Mission will report directly to the Coordinating Minister for Political, Law and Security Affairs of the Republic of Indonesia, the political leadership of GAM and the Chairman of the Board of Directors of the Crisis Management Initiative, with the EU Political and Security Committee informed. After consultation with the parties, the Chairman of the Board of Directors of the Crisis Management Initiative will make a ruling which will be binding on the parties.

ia_adv

International
Assistance &
Advice

**COMPREHENSIVE AGREEMENT CONCLUDED BETWEEN THE GOVERNMENT OF NEPAL AND
THE COMMUNIST PARTY OF NEPAL (MAOIST)**

<p>ps_pol</p>	<p>Political Power-sharing</p>
<p>ps_eco</p>	<p>Economic Power-sharing</p>
<p>ps_mil</p>	<p>Military Power-sharing</p>
<p>tj_amn</p>	<p>Amnesty</p>
<p>tj_pri</p>	<p>Prisoner Release</p> <p>Page 7-8; 5. Ceasefire; 5.2. Situation Normalization Measures</p> <p>5.2.2. Both sides agree to make public the status of the people in their custody and release them within 15 days.</p> <p>5.2.7. Both sides guarantee to withdraw accusations, claims, complaints and cases under- consideration leveled against various individuals due to political reasons and immediately make public the state of those imprisoned and immediately release them.</p>
<p>tj_hum</p>	<p>Human Rights</p> <p>Page 1; Preamble</p> <p>Reiterating full commitment towards democratic norms and values including competitive multiparty democratic governance, civil liberties, fundamental rights, human rights, full press freedom and the concept of the rule of law,</p> <p>Remaining committed to the Universal Declaration of Human Rights, 1948, and international humanitarian laws and fundamental principles and values related to human rights;</p> <p>Page 3-4; 3. Political - Economic - Social Transformation and Conflict Management</p> <p>3.4. To adopt a political system that fully abides by the universally accepted principles of fundamental human rights, [...]</p> <p>3.5. To carry out an inclusive, democratic and progressive restructuring of the state by ending the current centralized and unitary form of the state in order to address the problems related to women, Dalit, indigenous people, Janajatis, Madheshi, oppressed, neglected and minority communities and backward</p>

regions by ending discrimination based on class, caste, language, gender, culture, religion, and region.

Page 6; 4. Management of Army and Armament, Concerning the Nepali Army

4.7. [...] Under this to carry out activities like the appropriate number of the Nepali Army, to train the army through democratic and human rights values while developing democratic structure, national and inclusive character.

Page 9; 7. Human Rights, Fundamental Rights, and Adherence to Humanitarian Law

By remaining committed to the Universal Declaration of Human Rights, 1948, International Humanitarian Law and fundamental principles and values, both sides express their agreement to the following issues:

[...]

Page 9; 7. Human Rights, Fundamental Rights, and Adherence to Humanitarian Law, 7.1. Human Rights

7.1.1. Both sides reconfirm their commitment to the respect and protection to human rights and commitment to international humanitarian law and accept that nobody should be discriminated on the basis of color, gender, language, religion, age, race, national or social origin, wealth, disability, birth or other standing, ideology or faith.

7.1.2. Both sides agree to create an atmosphere for the Nepali people to enjoy their civil, political, economic, social and cultural rights and are committed to creating an atmosphere where such rights are not violated in the future under any condition.

7.1.3. Both sides express the commitment that impartial investigation and action would be carried according to law against people responsible creating obstructions to the exercise of the rights envisaged in the letter of agreement and ensure that impunity will not be tolerated. Apart from this, they also ensure the right of the victims of conflict and torture and the family of disappeared to obtain relief.

7.1.4. Both sides will not carry out acts of torture, kidnapping and forced labor and will take necessary action to discourage such acts.

7.1.5. On the basis of norms and values of secularism, both sides shall respect social, cultural, religious sensitivity, religious sites and the religious faith individuals.

Page 12; 9. Implementation and Follow-up

9.1. Both parties agree to give continuity to the task of monitoring provisions related to human rights mentioned in this agreement by the United Nations Office of the High Commissioner for Human Rights, Nepal.

[...]

9.4. The National Human Rights Commission will also carry out works related to the monitoring of human rights as mentioned in this agreement in addition to its duties as determined by law. [...]

Page 13; 10. Miscellaneous

10.3. This accord can be revised at any time with the consent of both parties. Both parties agree to provide to each other prior written information if they wish to make any change. The amendments can be made to the accord with the consent of both sides after receiving the information. The provisions to be made by such an amendment will not fall below the minimum standards of accepted international human rights and humanitarian laws.

<p>tj_min</p> <p>Indigenous & Minority Rights</p>	<p>Page 4; 3. Political - Economic - Social Transformation and Conflict Management</p> <p>3.5. To carry out an inclusive, democratic and progressive restructuring of the state by ending the current centralized and unitary form of the state in order to address the problems related to women, Dalit, indigenous people, Janajatis, Madheshi, oppressed, neglected and minority communities and backward regions by ending discrimination based on class, caste, language, gender, culture, religion, and region.</p>
<p>tj_wom</p> <p>Women's Rights & Gender Issues</p>	<p>Page 1; Preamble</p> <p>[...] Expressing determination to carry out a progressive restructuring of the state to resolve existing class-based, ethnic, regional and gender problems, [...]</p> <p>Page 4; 3. Political - Economic - Social Transformation and Conflict Management</p> <p>3.5. To carry out an inclusive, democratic and progressive restructuring of the state by ending the current centralized and unitary form of the state in order to address the problems related to women, Dalit, indigenous people, Janajatis, Madheshi, oppressed, neglected and minority communities and backward regions by ending discrimination based on class, caste, language, gender, culture, religion, and region.</p> <p>Page 9; 7. Human Rights, Fundamental Rights and Adherence to Humanitarian Law; 7.1. Human Rights</p> <p>7.1.1. Both sides reconfirm their commitment to the respect and protection to human rights and commitment to international humanitarian law and accept that nobody should be discriminated on the basis of color, gender, language, religion, age, race, national or social origin, wealth, disability, birth or other standing, ideology or faith.</p> <p>Page 11; 7. Human Rights, Fundamental Rights and Adherence to Humanitarian Law; 7.6. Women and Child Rights</p> <p>7.6.1. Both parties fully agree to provide special protection to the rights of women and children, to immediately stop all types of violence against women and children, including child labor, as well as sexual exploitation and abuse, and not to include or use children who are 18 years old and below in the armed force. [...]</p>
<p>tj_civ</p> <p>Civil & Political Rights</p>	<p>Page 1; Preamble</p> <p>Reiterating full commitment towards democratic norms and values including competitive multiparty democratic governance, civil liberties, fundamental rights, human rights, full press freedom and the concept of the rule of law, [...] Guaranteeing the fundamental right of the Nepali people to take part in the constituent assembly elections in a free, fair and fear-less environment, [...]</p> <p>Page 3-4; 3. Political - Economic - Social Transformation and Conflict Management</p> <p>Both the parties are in agreement to adopt the following policies and programs for political-economic- social transformation and to creatively manage conflict existing in the country: [...]</p>

3.4. To adopt a political system that fully abides by the universally accepted principles of fundamental human rights, multiparty competitive democratic system, sovereignty of the people and supremacy of the people, constitutional balance and control, rule of law, social justice, equality, independent judiciary, periodic elections, monitoring by civil society, complete press freedom, people's right to information, transparency and accountability in the activities of political parties, people's participation, impartial, competent, and clean bureaucracy.

Page 9; 6. End of War

6.4. Army of both the parties will not be allowed to publicize for or against any party and to take sides. But they shall not be deprived from their voting rights.

Page 9; 7. Human Rights, Fundamental Rights and Adherence to Humanitarian Law; 7.1. Human Rights

7.1.2. Both sides agree to create an atmosphere for the Nepali people to enjoy their civil, political, economic, social and cultural rights and are committed to creating an atmosphere where such rights are not violated in the future under any condition.

Page 10; 7. Human Rights, Fundamental Rights, and Adherence to Humanitarian Law; 7.2. Right to Live

7.2.1. Both sides respect and protect an individual's fundamental right to life. Nobody shall be deprived of this fundamental right and no law shall be formulated to award death penalty.

Page 10; 7. Human Rights, Fundamental Rights and Adherence to Humanitarian Law; 7.3. Right to Individual Dignity, Freedom and Mobility

7.3.1. Both parties respect and protect the right to individual dignity. In this connection, no person including those deprived of their freedom according to the law would be subjected to torture or any other cruel, inhuman or degrading behavior or punishment. The citizen's right to confidentiality shall be respected.

7.3.2. Both sides, fully respecting the individual's right to freedom and security, will not keep anyone under arbitrary or illegal detention, commit kidnapping or hold captive. Both sides agree to make public the status of every individual 'disappeared' and held captive and inform about this to their family members, legal advisors and other authorized people.

7.3.3. Both sides shall respect and protect the citizens' right to free mobility and the freedom to choose within legal norms the location of one's residence and express the commitment to respect the right of the people displaced by the conflict and their families to return back to their homes or to settle in any other location of their choice.

Page 10; 7. Human Rights, Fundamental Rights and Adherence to Humanitarian Law; 7.4. Civil and Political Rights

7.4.1. Both parties are committed to respecting and protecting every individuals right to ideology, expression, open organization and gather peacefully as well as right against exploitation.

7.4.2. Both sides respect the right of every citizen to take part directly or through one's selected representative in issues of public concern, to vote, to be elected and to enjoy the right to equality of entering public service.

7.4.3. Both sides are committed to respect the individual's right to be informed.

Page 11; 7.7. Right to Personal Liberty

7.7.1. Both parties agree to the freedom of opinion and expression; freedom to assemble peaceably and without arms; freedom of movement; freedom to practice any profession, or to carry on any occupation, industry or trade; press and publication rights; the freedom to take part in peaceful political activities; the right of equality before the law; and to implement and have a tolerant system of justice.

Page 4; 3. Political - Economic - Social Transformation and Conflict Management

3.5. To carry out an inclusive, democratic and progressive restructuring of the state by ending the current centralized and unitary form of the state in order to address the problems related to women, Dalit, indigenous people, Janajatis, Madheshi, oppressed, neglected and minority communities and backward regions by ending discrimination based on class, caste, language, gender, culture, religion, and region.

3.9. To adopt policy of establishing the rights of all citizens to education, health, housing, employment and food security.

3.13. To follow a policy of massive increase in employment and income generation opportunities by increasing investment in industries, trade and export promotion etc. while ensuring the professional rights of the laborers.

Page 9; 7. Human Rights, Fundamental Rights and Adherence to Humanitarian Law; 7.1. Human Rights

7.1.2. Both sides agree to create an atmosphere for the Nepali people to enjoy their civil, political, economic, social and cultural rights and are committed to creating an atmosphere where such rights are not violated in the future under any condition.

7.1.5. On the basis of norms and values of secularism, both sides shall respect social, cultural, religious sensitivity, religious sites and the religious faith individuals.

tj_esc

Economic, Social &
Cultural Rights

Page 10-11; 7. Human Rights, Fundamental Rights and Adherence to Humanitarian Law; 7.5. Economic-Social Rights

7.5.1. Both parties are committed to respect and protect the individual's right to livelihood through freely chosen or accepted employment.

7.5.2. Both parties are committed to respecting and guaranteeing the rights of food security to all the people. They guarantee that there would be no interference in the transportation, use and distribution of food, food products and food grains.

7.5.3. Both parties acknowledge that the citizens' right to health should be respected and protected. Both parties will not obstruct the supply of medicine, assistance and health related campaigns, and express commitment to treatment and rehabilitation of the people injured in course of the conflict.

7.5.4. Acknowledging that the right to education should be ensured and respected, both parties are committed to maintaining appropriate academic environment in educational institutions. Both sides agree to guarantee that the right to education will not be impeded. They agree to put to an end, on an immediate basis, to activities like taking the educational institutions under control and using them, abducting teachers and students, taking them under control and disappearing them, and to not to establish barracks in a way that it would impede them.

7.5.5. Both sides agree that the private property of any individual will not be seized or usurped, except when permitted by law.

7.5.6. Both sides believe in giving continuity to production by not disturbing the industrial climate in the country, respecting the right of collective bargaining and social security in industrial institutions, encouraging industrial institutions and laborers to solve the problem in peaceful manner if any problem arises

		<p>between them and respect the right to work determined by the International Labor Organization.</p>
tj_vic	Victims & Reparations	<p>Page 7; 5. Ceasefire; 5.2 Situation Normalization Measures</p> <p>5.2.3. Both sides agree to make public within 60 days of signing of the agreement information about the real name, caste and address of the people 'disappeared' or killed during war and to inform the family about it.</p> <p>5.2.4. Both sides agree to form a National Peace and Rehabilitation Commission to establish peace in the society by normalizing adverse situation generated by armed conflict and to carry out relief for and rehabilitate people victimized and displaced by war, and to carry forward the tasks related to this through the Commission.</p> <p>Page 9; 7. Human Rights, Fundamental Rights and Adherence to Humanitarian Law; 7.1. Human Rights</p> <p>7.1.3. [...] Apart from this, they also ensure the right of the victims of conflict and torture and the family of disappeared to obtain relief.</p> <p>Page 10; 7. Human Rights, Fundamental Rights and Adherence to Humanitarian Law; 7.3. Right to Individual Dignity, Freedom and Mobility</p> <p>7.3.2. [...] Both sides agree to make public the status of every individual 'disappeared' and held captive and inform about this to their family members, legal advisors and other authorized people.</p>
tj_ref	Refugees & Internally Displaced Persons	<p>Page 8; 5. Ceasefire; 5.2. Situation Normalization Measures</p> <p>5.2.8. Both sides express the commitment to allow without any political prejudice the people displaced due to the armed conflict to return back voluntarily to their respective ancestral or former residence, reconstruct the infrastructure destroyed as a result of the conflict and rehabilitate and reintegrate the displaced people into the society.</p> <p>Page 10; 7. Human Rights, Fundamental Rights and Adherence to Humanitarian Law; 7.3. Right to Individual Dignity, Freedom and Mobility</p> <p>7.3.3. Both sides shall respect and protect the citizens' right to free mobility and the freedom to choose within legal norms the location of one's residence and express the commitment to respect the right of the people displaced by the conflict and their families to return back to their homes or to settle in any other location of their choice.</p>
tj_tru	Truth & Reconciliation Commission	<p>Page 7-8; 5. Ceasefire; 5.2. Situation Normalization Measures</p> <p>5.2.4. Both sides agree to form a National Peace and Rehabilitation Commission to establish peace in the society by normalizing adverse situation generated by armed conflict and to carry out relief for and rehabilitate people victimized and displaced by war, and to carry forward the tasks related to this through the Commission.</p> <p>5.2.5. Both sides agree to set up a High- level Truth and Reconciliation Commission through mutual agreement in order to investigate truth about people seriously violating human rights and involved in crimes against humanity, and to create an environment of reconciliations in the society.</p>

	<p>Page 11-12; 8. Dispute Settlement and Implementation Mechanism</p> <p>8.2. The National Peace and Rehabilitation Commission can create mechanisms as necessary to make the peace campaign successful. The formation and terms of reference of the Commission will be as determined by the interim Council of Ministers.</p> <p>8.4. Both parties express commitment to the fact that the interim Council of Ministers can constitute and determine the working procedures of the National Peace and Rehabilitation Commission, the Truth and Reconciliation Commission, the High-level State Restructuring Recommendation Commission and other mechanisms as necessary to implement this agreement, the Interim Constitution and all the decisions, agreements and understandings reached between the seven parties, the Nepal Government and the CPN (Maoist).</p>
<p>tj_rec</p> <p>Reconciliation</p>	<p>Page 7-8; 5. Ceasefire; 5.2. Situation Normalization Measures</p> <p>5.2.5. Both sides agree to set up a High-level Truth and Reconciliation Commission through mutual agreement in order to investigate truth about people seriously violating human rights and involved in crimes against humanity, and to create an environment of reconciliations in the society.</p> <p>5.2.9. Both sides agree to solve problems created in the above context on the basis of mutual agreement and to take responsibility at the individual and collective manner in the task of creating appropriate environment for normalizing relations and reconciliation and ensure implementation with the help of all political parties, civil society and local organizations.</p> <p>Page 11-12; 8. Dispute Settlement and Implementation Mechanism</p> <p>8.2: The National Peace and Rehabilitation Commission can create mechanisms as necessary to make the peace campaign successful. The formation and terms of reference of the Commission will be as determined by the interim Council of Ministers.</p> <p>8.3: Both parties are committed to resolving all types of current or possible future mutual differences or problems through mutual dialogue, understanding, agreement and negotiation.</p> <p>Page 13; 10. Miscellaneous</p> <p>10.6: At a time when the entire country is centered on the main campaign of constituent assembly elections, we heartily appeal to all to end their problems and demands through dialogue and negotiations and to help constituent assembly elections and law and order situation.</p> <p>10.7: We heartily appeal to the civil society, professional groups, class organizations, media, intellectual community and all Nepali people to actively participate in this historic campaign to build a new Nepal and to establish lasting peace through the constituent assembly elections by ending the armed conflict.</p>
<p>tj_pro</p> <p>Protection Measures</p>	<p>Page 4; 3. Political - Economic - Social Transformation and Conflict Management</p> <p>3.5. To carry out an inclusive, democratic and progressive restructuring of the state by ending the current centralized and unitary form of the state in order to address the problems related to women, Dalit, indigenous people, Janajatis, Madheshi, oppressed, neglected and minority communities and backward regions by ending discrimination based on class, caste, language, gender, culture, religion, and region.</p> <p>3.10. To adopt policy of providing land and other economic protection to socially and economically backward classes including land less squatters, bonded laborers and pastoral farmers.</p>

Page 8; 5. Ceasefire; 5.2. Situation Normalization Measures

5.2.10. Both sides express commitment not to discriminate against or exert any kind of pressure on other members of the family if a member of the family is associated with one or the other side.

Page 10; 7. Human Rights; Fundamental Rights, and Adherence to Humanitarian Law; 7.2. Right to Live

7.2.1. Both sides respect and protect an individual's fundamental right to life. Nobody shall be deprived of this fundamental right and no law shall be formulated to award death penalty.

Page 10; 7. Human Rights; Fundamental Rights, and Adherence to Humanitarian Law; 7.3. Right to Individual Dignity, Freedom and Mobility,

7.3.3. Both sides shall respect and protect the citizens' right to free mobility and the freedom to choose within legal norms the location of one's residence and express the commitment to respect the right of the people displaced by the conflict and their families to return back to their homes or to settle in any other location of their choice.

Page 10; 7. Human Rights; Fundamental Rights, and Adherence to Humanitarian Law; 7.4. Civil and Political Rights

7.4.1. Both parties are committed to respecting and protecting every individuals right to ideology, expression, open organization and gather peacefully as well as right against exploitation.

Page 11; 7. Human Rights, Fundamental Rights and Adherence to Humanitarian Law; 7.6. Women and Child Rights

7.6.1. Both parties fully agree to provide special protection to the rights of women and children, to immediately stop all types of violence against women and children, including child labor, as well as sexual exploitation and abuse, and not to include or use children who are 18 years old and below in the armed force. Children thus affected would be immediately rescued and necessary and appropriate assistance will be provided for their rehabilitation.

Page 3-4; 3. Political - Economic - Social Transformation and Conflict Management

Both the parties are in agreement to adopt the following policies and programs for political-economic-social transformation and to creatively manage conflict existing in the country:

3.2. To form an interim legislature-parliament on the basis of interim constitution, and hold elections to the constituent assembly in a free and fair manner by the month of Jestha, 2064 BS and practically ensure sovereignty inherent in the Nepali people.

3.3. No state powers shall remain with the king. The properties owned by the late King Birendra, the late Queen Aishwarya and their family members shall be brought under the control of the Government of Nepal and used in the interest of the nation through a trust. All properties (such as palaces at various places, forests and National Parks, heritages of historical and archaeological significance etc.) acquired by King Gyanendra in his monarchical capacity shall be nationalised. The issue of whether to continue or scrap the institution of monarchy shall be decided by a simple majority of the Constituent Assembly in its first meeting.

3.4. To adopt a political system that fully abides by the universally accepted principles of fundamental human rights, multiparty competitive democratic system, sovereignty of the people and supremacy of the people, constitutional

tr_con

Constitutional
Reform

balance and control, rule of law, social justice, equality, independent judiciary, periodic elections, monitoring by civil society, complete press freedom, people's right to information, transparency and accountability in the activities of political parties, people's participation, impartial, competent, and clean bureaucracy.

Page 3; 2. Definitions

(b) "Interim Constitution" refers to the "Interim Constitution of Nepal 2063" to be promulgated for the period until a new constitution is prepared and issued by the constituent assembly.

(e) "Prevailing Law" refers to the Interim Constitution of Nepal, 2063 and the prevailing Nepal Laws that are not in conflict with it. But this definition will not obstruct legal provisions before the promulgation of Interim constitution 2063.

Page 12; 8. Dispute Settlement and Implementation Mechanism

8.4. Both parties express commitment to the fact that the interim Council of Ministers can constitute and determine the working procedures of the National Peace and Rehabilitation Commission, the Truth and Reconciliation Commission, the High-level State Restructuring Recommendation Commission and other mechanisms as necessary to implement this agreement, the Interim Constitution and all the decisions, agreements and understandings reached between the seven parties, the Nepal Government and the CPN (Maoist).

Page 3-4; 3. Political - Economic - Social Transformation and Conflict Management

Both the parties are in agreement to adopt the following policies and programs for political-economic-social transformation and to creatively manage conflict existing in the country:

tr_leg

Legislative Branch Reform

3.2. To form an interim legislature-parliament on the basis of interim constitution, and hold elections to the constituent assembly in a free and fair manner by the month of Jestha, 2064 BS and practically ensure sovereignty inherent in the Nepali people.

Page 13; 10. Miscellaneous

10.5. The concept of 'two parties as mentioned in this agreement would automatically cease to exist after the constitution of the Interim Legislature-Parliament.

Page 3; 2. Definitions

(c) "Interim Council of Ministers" refers to the "Interim Council of Ministers" to be formed according to the Interim Constitution.

Page 3; 3. Political - Economic - Social Transformation and Conflict Management

tr_exe

Executive Branch Reform

3.3. No state powers shall remain with the king. The properties owned by the late King Birendra, the late Queen Aishwarya and their family members shall be brought under the control of the Government of Nepal and used in the interest of the nation through a trust. [...]

Page 5-6; 4. Management of Army and Armament

4.4. The Interim Council of Ministers to work by forming a special committee to supervise, integrate and rehabilitate the Maoist combatants.

		<p>4.7. The Council of Ministers to control, mobilize and manage the Nepali Army as per the new Military Act. The Interim Council of Ministers to prepare and implement the detailed action plan of the Nepali Army's democratization by taking suggestions from the concerned committee of the Interim Parliament. Under this to carry out activities like the appropriate number of the Nepali Army, to train the army through democratic and human rights values while developing democratic structure, national and inclusive character.</p> <p>Page 12; 8. Dispute Settlement and Implementation Mechanism</p> <p>8.4. Both parties express commitment to the fact that the interim Council of Ministers can constitute and determine the working procedures of the National Peace and Rehabilitation Commission, the Truth and Reconciliation Commission, the High-level State Restructuring Recommendation Commission and other mechanisms as necessary to implement this agreement, the Interim Constitution and all the decisions, agreements and understandings reached between the seven parties, the Nepal Government and the CPN (Maoist).</p> <p>Page 13; 10. Miscellaneous</p> <p>10.5. The concept of 'two parties as mentioned in this agreement would automatically cease to exist after the constitution of the Interim Legislature-Parliament. Thereafter, all the responsibility of implementing the obligations stated in this agreement will be as per the arrangements made by the interim Council of Ministers. [...]</p>
tr_jud	Judiciary Reform	<p>Page 3; 3. Political - Economic - Social Transformation and Conflict Management</p> <p>3.4. To adopt a political system that fully abides by the universally accepted principles of fundamental human rights, [...] independent judiciary, [...]</p>
tr_adm	Public Administration Reform	<p>Page 3-4; 3. Political - Economic - Social Transformation and Conflict Management</p> <p>Both the parties are in agreement to adopt the following policies and programs for political-economic- social transformation and to creatively manage conflict existing in the country: [...]</p> <p>3.4. To adopt a political system that fully abides by the universally accepted principles of fundamental human rights, [...] clean bureaucracy.</p> <p>Page 8; 5. Ceasefire; 5.2. Situation Normalization Measures</p> <p>5.2.11. Both sides agree to let employees of Nepal Government and public agencies to travel freely to any part of the country, to fulfill their duties and not to create any obstacle or obstruction while executing their work or not to let obstructions to arise and to facilitate their work.</p>
tr_mil	Military Reform	<p>Page 4-5; 4. Management of Army and Armament</p> <p>To carry out the following tasks in accordance with the 12-point understanding, eight-point agreement, 25-point code of conduct, the five point letter sent to the United Nations and the decisions of the meeting of senior leaders held on November 8 taken in the past in order to hold the constituent assembly elections in a peaceful, fair and fear-less environment and to carry out democratization and restructuring of the army:</p> <p>Concerning the Maoist Army- [...]</p> <p>Concerning the Nepali Army-</p>

[...]

4.7. The Council of Ministers to control, mobilize and manage the Nepali Army as per the new Military Act. The Interim Council of Ministers to prepare and implement the detailed action plan of the Nepali Army's democratization by taking suggestions from the concerned committee of the Interim Parliament. Under this to carry out activities like the appropriate number of the Nepali Army, to train the army through democratic and human rights values while developing democratic structure, national and inclusive character.

4.8. To give continuity to functions of the Nepali Army like border security, security of the conservation areas, protected areas, banks, airports, power houses, telephone towers, central secretariat and security of VIPs.

Page 7; 5. Ceasefire; 5.1. Termination of military action and armed mobilization

5.1.2: Both sides shall not recruit additional armed forces or conduct military activities against each other, including transporting weapons, ammunitions and explosives.

However, the security forces deployed by the interim government shall have authority to conduct routine patrol, explore in order to prevent illegal trafficking of the weapons, explosives or raw materials used in assembling weapons at the international border or custom points and seize them.

5.1.5: Armies of both sides shall not bear arms or show their presence wearing combat fatigue during any public program, political meeting or civil assembly.

Page 9; 6. End of War

6.3. After the placement of the Nepali Army in the barracks and the Maoist Army combatants in temporary camps, carrying arms in violation of the law, display, intimidation and any type of use of violence and use of arms will become legally punishable.

6.4. Army of both the parties will not be allowed to publicize for or against any party and to take sides. But they shall not be deprived from their voting rights.

<p>tr_pol Police Reform</p>	<p>Page 7; 5. Ceasefire</p> <p>5.1.6. Nepal Police and Armed Police Force shall continue the task of maintaining legal system and law and order and criminal investigation as per the spirit and sentiment of the Jana Andolan and peace accord as well as the prevailing law.</p>
<p>tr_edu Education Reform</p>	<p>Page 4; 3. Political - Economic - Social Transformation and Conflict Management</p> <p>3.9. To adopt policy of establishing the rights of all citizens to education, health, housing, employment and food security.</p> <p>Page 11; 7. Human Rights, Fundamental Rights and Adherence to Humanitarian Law; 7.5. Economic-Social Rights</p> <p>7.5.4. Acknowledging that the right to education should be ensured and respected, both parties are committed to maintaining appropriate academic environment in educational institutions. Both sides agree to guarantee that the right to education will not be impeded. They agree to put to an end, on an immediate basis, to activities like taking the educational institutions under control and using them, abducting teachers and students, taking them under control and disappearing them, and to not to establish barracks in a way that it would impede them.</p>

<p>tr_med</p> <p>Media Reform</p>	<p>Page 3; 3. Political - Economic - Social Transformation and Conflict Management</p> <p>3.4. To adopt a political system that fully abides by the universally accepted principles of fundamental human rights, [...] complete press freedom, people's right to information, [...]</p> <p>Page 8; 5. Ceasefire; 5.2. Situation Normalization Measures</p> <p>5.2.13. Both parties are committed to operation of publicity programs in a decent and respectable manner.</p> <p>Page 11; 7. Human Rights, Fundamental Rights, and Adherence to Humanitarian Law; 7.7. Right to Personal Liberty</p> <p>7.7.1. Both parties agree to the freedom of opinion and expression; [...] press and publication rights; [...]</p> <p>Page 13; 10. Miscellaneous</p> <p>10.7. We heartily appeal to the [...] media, [...] to actively participate in this historic campaign to build a new Nepal and to establish lasting peace through the constituent assembly elections by ending the armed conflict.</p>
<p>tr_ddr</p> <p>Demobilization, Disarmament & Reintegration</p>	<p>Page 4-6; 4. Management of Army and Armament</p> <p>To carry out the following tasks in accordance with the 12-point understanding, eight-point agreement, 25-point code of conduct, the five point letter sent to the United Nations and the decisions of the meeting of senior leaders held on November 8 taken in the past in order to hold the constituent assembly elections in a peaceful, fair and fear-less environment and to carry out democratization and restructuring of the army:</p> <p>Concerning the Maoist Army-</p> <p>4.1. As per the commitment expressed in the letter sent on behalf of the Nepal Government and the CPN (Maoist) to the United Nations on August 9, 2006, the Maoists' Army combatants to remain within the following temporary cantonments in the following places. The UN to verify and monitor them.</p> <p>The main cantonments shall remain in the following locations:</p> <ol style="list-style-type: none"> 1. Kailali 2. Surkhet 3. Rolpa 4. Nawalparasi 5. Chitwan 6. Sindhuli 7. Ilam <p>Sub-cantonments will remain at the rate of 3 each around the main cantonments.</p> <p>4.2. After placing the Maoist combatants within the Cantonments, all the arms and ammunition except those required for the security of the cantonments to be securely stored in the cantonment and the keys to remain with the party concerned after putting a single lock. In the process of installing the lock, to assemble a mechanism including its record, siren for the monitoring by the UN. While carrying out the necessary examination of the stored arms, the UN to do so under the presence of the concerned party. To prepare other technical details related to this along with camera monitoring through agreement of the UN, CPN (Maoist) and the Nepal Government.</p> <p>4.3. After the Maoist combatants stay in the temporary cantonments, Nepal Government to provide for food supplies and other necessary arrangements.</p>

4.4. The Interim Council of Ministers to work by forming a special committee to supervise, integrate and rehabilitate the Maoist combatants.

4.5. To make security provisions for the Maoist leaders through understanding with the government.

Concerning the Nepali Army-

4.6. The Nepali Army to be confined within the barracks as per the commitment expressed in the letter sent to the UN. To ensure that their arms are not used for or against any party. The Nepali Army to store the arms in equal numbers to that of the Maoists, to seal it with a single- lock and give the key to the concerned party. In the process of installing the lock, to assemble a mechanism including its record, siren for the monitoring by the UN. While carrying out the necessary examination of the stored arms, the UN to do so under the presence of the concerned party. To prepare other technical details related to this along with camera monitoring through agreement of the UN, CPN (Maoist) and the Nepal Government.

Page 7; 5. Ceasefire

5.1.2. Both sides shall not recruit additional armed forces or conduct military activities against each other, including transporting weapons, ammunitions and explosives. However, the security forces deployed by the interim government shall have authority to conduct routine patrol, explore in order to prevent illegal trafficking of the weapons, explosives or raw materials used in assembling weapons at the international border or custom points and seize them.

5.1.3. No individual or group shall travel with illegal weapons, ammunitions or explosives.

5.1.4. Both sides shall assist each other to mark landmines and booby-traps used during the time of armed conflict by providing necessary information within 30 days and defuse and excavate it within 60 days.

5.1.5. Armies of both sides shall not bear arms or show their presence wearing combat fatigue during any public program, political meeting or civil assembly.

Page 9; 6. End of War

6.3. After the placement of the Nepali Army in the barracks and the Maoist Army combatants in temporary camps, carrying arms in violation of the law, display, intimidation and any type of use of violence and use of arms will become legally punishable.

Page 2; Preamble

Expressing the determination to implement the commitment to carry out the constituent assembly elections in a free and fair manner by the end of the month of Jestha 2064 BS,

Page 4; 3. Political - Economic - Social Transformation and Conflict Management

3.2. To form an interim legislature-parliament on the basis of interim constitution, and hold elections to the constituent assembly in a free and fair manner by the month of Jestha, 2064 BS and practically ensure sovereignty inherent in the Nepali people.

Page 7; 5. Ceasefire

5.1. Termination of military action and armed mobilization:
[...]

tr_tim

Transitional
Timeline

5.1.4. Both sides shall assist each other to mark landmines and booby-traps used during the time of armed conflict by providing necessary information within 30 days and defuse and excavate it within 60 days.

5.2 Situation Normalization Measures:
[...]

5.2.2. Both sides agree to make public the status of the people in their custody and release them within 15 days.

5.2.3. Both sides agree to make public within 60 days of signing of the agreement information about the real name, caste and address of the people 'disappeared' or killed during war and to inform the family about it.

Page 1-2; Preamble

Guaranteeing the fundamental right of the Nepali people to take part in the constituent assembly elections in a free, fair and fear-less environment,
[...]

Expressing the determination to implement the commitment to carry out the constituent assembly elections in a free and fair manner by the end of the month of Jestha 2064 BS,

Page 3; 3. Political - Economic - Social Transformation and Conflict Management

Both the parties are in agreement to adopt the following policies and programs for political-economic-social transformation and to creatively manage conflict existing in the country:
[...]

3.2. To form an interim legislature-parliament on the basis of interim constitution, and hold elections to the constituent assembly in a free and fair manner by the month of Jestha, 2064 BS and practically ensure sovereignty inherent in the Nepali people.

3.4. To adopt a political system that fully abides by the universally accepted principles of fundamental human rights, [...] periodic elections, monitoring by civil society, complete press freedom, people's right to information, transparency and accountability in the activities of political parties, people's participation, impartial, competent, [...]

tr_epr

Electoral & Political
Party Reform

Page 4; 4. Management of Army and Armament

To carry out the following tasks in accordance with the 12-point understanding, eight-point agreement, 25-point code of conduct, the five point letter sent to the United Nations and the decisions of the meeting of senior leaders held on November 8 taken in the past in order to hold the constituent assembly elections in a peaceful, fair and fear-less environment and to carry out democratization and restructuring of the army:
[...]

Page 9; 6. End of War

6.4. Army of both the parties will not be allowed to publicize for or against any party and to take sides. But they shall not be deprived from their voting rights.

Page 10; 7. Human Rights, Fundamental Rights and Adherence to Humanitarian Law; 7.4. Civil and Political Rights

7.4.2. Both sides respect the right of every citizen to take part directly or through one's selected representative in issues of public concern, to vote, to be elected and to enjoy the right to equality of entering public service.

Page 13; 10. Miscellaneous

10.6. At a time when the entire country is centered on the main campaign of constituent assembly elections, we heartily appeal to all to end their problems and demands through dialogue and negotiations and to help constituent assembly elections and law and order situation.

Page 3-4; 3. Political - Economic - Social Transformation and Conflict Management

Both the parties are in agreement to adopt the following policies and programs for political-economic- social transformation and to creatively manage conflict existing in the country:

3.1. To ensure progressive political, economic and social transformation on the basis of the decisions reached at the meeting of senior leaders of seven political parties and the CPN (Maoist) on Nov. 8, 2006 (Addendum-6).

3.3. [...] To use the properties of late King Birendra, late queen Aishworya and their family for national interest by bringing the properties under the Nepal Government and forming a trust. To nationalize all properties (like palaces situated in different places, forests and reserves, heritages with historical and archaeological importance) obtained by King Gyanendra in his capacity as the King. [...]

3.6. To gradually implement by deciding through mutual agreement a minimum common program for the economic and social transformation to end all forms of feudalism.

3.7. To adopt a policy of implementing a scientific land reforms program by ending feudal land ownership.

3.8. To follow a policy of protecting and promoting national industries and resources.

tr_dev Socio-Economic
Development

3.9. To adopt policy of establishing the rights of all citizens to education, health, housing, employment and food security.

3.10. To adopt policy of providing land and other economic protection to socially and economically backward classes including land less squatters, bonded laborers and pastoral farmers.

3.12. To form a common development concept for economic and social transformation and justice as well as to quickly make the country developed and economically prosperous.

3.13. To follow a policy of massive increase in employment and income generation opportunities by increasing investment in industries, trade and export promotion etc. while ensuring the professional rights of the laborers.

Page 11; 7. Human Rights, Fundamental Rights and Adherence to Humanitarian Law; 7.5. Economic-Social Rights

7.5.3. Both parties acknowledge that the citizens' right to health should be respected and protected. Both parties will not obstruct the supply of medicine, assistance and health related campaigns, and express commitment to treatment and rehabilitation of the people injured in course of the conflict.

7.5.6. Both sides believe in giving continuity to production by not disturbing the industrial climate in the country, respecting the right of collective bargaining and social security in industrial institutions, encouraging industrial institutions and laborers to solve the problem in peaceful manner if any problem arises between them and respect the right to work determined by the International Labor Organization.

tr_cul	Cultural Heritage/ Protections	<p>Page 3; 3. Political - Economic - Social Transformation and Conflict Management</p> <p>3.3. [...] To nationalize all properties (like palaces situated in different places, forests and reserves, heritages with historical and archeological importance) obtained by King Gyanendra in his capacity as the King. [...]</p>
tr_fin	Financial Arrangements	<p>Page 7; 5. Ceasefire; 5.2. Situation Normalization Measures</p> <p>5.2.1. It is not allowed to collect cash or kind and levy tax against one's wishes and against the existing law.</p>
tj_dsm	Dispute Settlement Mechanisms	<p>Page 11; 8. Dispute Settlement and Implementation Mechanism</p> <p>[...]</p> <p>8.3. Both parties are committed to resolving all types of current or possible future mutual differences or problems through mutual dialogue, understanding, agreement and negotiation.</p> <p>Page 13; 10. Miscellaneous</p> <p>10.4. If any dispute arises in the interpretation of this agreement, a joint mechanism comprising both sides shall make the interpretation as per the spirit of the preamble and the documents annexed to this agreement, and such interpretation shall be final.</p>
ia_ver	Verification & Monitoring Mechanism	<p>Page 3; 2. Definitions</p> <p>(f) "Verification" refers to the subject of preparing authentic record after verification of army, combatants and arms by the United Nations.</p> <p>Page 5; 4. Management of Army and Armament; Concerning the Maoist Army-</p> <p>4.1. As per the commitment expressed in the letter sent on behalf of the Nepal Government and the CPN (Maoist) to the United Nations on August 9, 2006, the Maoists' Army combatants to remain within the following temporary cantonments in the following places. The UN to verify and monitor them. The main cantonments shall remain in the following locations: [...]</p> <p>4.2. After placing the Maoist combatants within the Cantonments, all the arms and ammunition except those required for the security of the cantonments to be securely stored in the cantonment and the keys to remain with the party concerned after putting a single lock. In the process of installing the lock, to assemble a mechanism including its record, siren for the monitoring by the UN. While carrying out the necessary examination of the stored arms, the UN to do so under the presence of the concerned party. To prepare other technical details related to this along with camera monitoring through agreement of the UN, CPN (Maoist) and the Nepal Government.</p> <p>Page 6; 4. Management of Army and Armament; Concerning the Nepali Army-</p> <p>4.6. [...] In the process of installing the lock, to assemble a mechanism including its record, siren for the monitoring by the UN. While carrying out the necessary examination of the stored arms, the UN to do so under the presence of the concerned party. To prepare other technical details related to this along with camera monitoring through agreement of the UN, CPN (Maoist) and the Nepal Government.</p> <p>Page 12; 9. Implementation and Follow-up</p>

Both parties have agreed to make the following arrangements for the implementation of the understandings mentioned in this agreement and for their follow-up -

9.1. Both parties agree to give continuity to the task of monitoring provisions related to human rights mentioned in this agreement by the United Nations Office of the High Commissioner for Human Rights, Nepal.

9.2. Both parties agree to the monitoring of the management of arms and the armies by the United Nations Mission in Nepal as mentioned in the five-point letter send to the UN earlier and in the present agreement.

9.3. Both sides agree to carry out supervision of the constituent assembly elections through the United Nations.

Page 3; 2. Definitions

(f) "Verification" refers to the subject of preparing authentic record after verification of army, combatants and arms by the United Nations.

Page 5; 4. Management of Army and Armament; Concerning the Maoist Army-

4.1. As per the commitment expressed in the letter sent on behalf of the Nepal Government and the CPN (Maoist) to the United Nations on August 9, 2006, the Maoists' Army combatants to remain within the following temporary cantonments in the following places. The UN to verify and monitor them. The main cantonments shall remain in the following locations:
[...]

4.2. After placing the Maoist combatants within the Cantonments, all the arms and ammunition except those required for the security of the cantonments to be securely stored in the cantonment and the keys to remain with the party concerned after putting a single lock. In the process of installing the lock, to assemble a mechanism including its record, siren for the monitoring by the UN. While carrying out the necessary examination of the stored arms, the UN to do so under the presence of the concerned party. To prepare other technical details related to this along with camera monitoring through agreement of the UN, CPN (Maoist) and the Nepal Government.

ia_pko

Peacekeeping

Page 6; 4. Management of Army and Armament; Concerning the Nepali Army-

4.6. [...] In the process of installing the lock, to assemble a mechanism including its record, siren for the monitoring by the UN. While carrying out the necessary examination of the stored arms, the UN to do so under the presence of the concerned party. To prepare other technical details related to this along with camera monitoring through agreement of the UN, CPN (Maoist) and the Nepal Government.

Page 12; 9. Implementation and Follow-up

Both parties have agreed to make the following arrangements for the implementation of the understandings mentioned in this agreement and for their follow-up -
[...]

9.1. Both parties agree to give continuity to the task of monitoring provisions related to human rights mentioned in this agreement by the United Nations Office of the High Commissioner for Human Rights, Nepal.

9.2. Both parties agree to the monitoring of the management of arms and the armies by the United Nations Mission in Nepal as mentioned in the five-point letter send to the UN earlier and in the present agreement.

9.3. Both sides agree to carry out supervision of the constituent assembly elections through the United Nations.

Page 13; 10. Miscellaneous

10.8. We heartily urge all the friendly countries and the United Nations, as well as the International Community to extend support to Nepal in this campaign of establishing full democracy and lasting peace.

ia_adv

International
Assistance &
Advice

Page 12; 9. Implementation and Follow-up

9.1. Both parties agree to give continuity to the task of monitoring provisions related to human rights mentioned in this agreement by the United Nations Office of the High Commissioner for Human Rights, Nepal.

9.4. The National Human Rights Commission will also carry out works related to the monitoring of human rights as mentioned in this agreement in addition to its duties as determined by law. In the course of implementing its duties, the Commission can receive the help of national and international human rights organizations after carrying out necessary coordination with them.

Page 13; 10. Miscellaneous

10.8. We heartily urge all the friendly countries and the United Nations, as well as the International Community to extend support to Nepal in this campaign of establishing full democracy and lasting peace.

OUAGADOUGOU POLITICAL AGREEMENT

ps_pol

Political Power-sharing

ps_eco

Economic Power-sharing

Page 7-8; III. DES FORCES DE DEFENSE ET DE SECURITE DE CÔTE D'IVOIRE

Les Parties au présent Accord, conscientes que l'Armée nationale doit être le reflet de l'unité et de la cohésion nationales et la garante de la stabilité des institutions républicaines, se sont engagées à procéder à la restructuration et à la refondation des deux armées en vue de la mise en place de nouvelles forces de défense et de sécurité attachées aux valeurs d'intégrité et de moralité républicaine.

Un mécanisme spécial de restructuration et de refondation de l'Armée sera adopté par ordonnance pour fixer le cadre général d'organisation, de composition et de fonctionnement des nouvelles Forces de Défense et de Sécurité. En conséquence, les deux Parties décident de procéder à l'unification des deux forces en présence par la création d'une structure opérationnelle intégrée.

Page 8; III. DES FORCES DE DEFENSE ET DE SECURITE DE CÔTE D'IVOIRE; 3.1. La mise en place d'un Centre de commandement intégré (CCI)

ps_mil

Military Power-sharing

3.1.1. Dans un esprit de cogestion des questions liées à la Défense et à la Sécurité, les deux (02) Parties ex-belligérantes conviennent de créer un Centre de commandement intégré chargé d'unifier les forces combattantes en présence et de mettre en œuvre les mesures de restructuration des Forces de Défense et de Sécurité de Côte d'Ivoire.

Page 10; IV. DE LA RESTAURATION DE L'AUTORITE DE L'ETAT ET DU REDEPLOIEMENT DE L'ADMINISTRATION SUR A L'ENSEMBLE DU TERRITOIRE NATIONAL

[...]

4.4. Les Forces de Police et de Gendarmerie, comprenant les 600 éléments issus de l'Accord de Pretoria, seront chargées d'assurer la sécurité de l'ensemble du corps préfectoral et des services techniques déployés.

Page 11; VI. MESURES VISANT A CONSOLIDER LA RECONCILIATION NATIONALE, LA PAIX, LA SECURITE ET ET LA LIBRE CIRCULATION DES PERSONNES ET DES BIENS; 6.2. De la zone de confiance

[...]

6.2.3. Des unités mixtes, composées paritairement des membres des FAFN et des FDS et chargées d'assurer les missions de police et de sécurité, seront déployées dans la zone de confiance. Ces unités seront supprimées avec la réforme et la restructuration de l'Armée.

tj_amn	Amnesty	<p>Page 12; VI. MESURES VISANT A CONSOLIDER LA RECONCILIATION NATIONALE, LA PAIX, LA SECURITE ET ET LA LIBRE CIRCULATION DES PERSONNES ET DES BIENS; 6.3. De la loi d'amnistie</p> <p>Afin de faciliter le pardon et la réconciliation nationale et de restaurer la cohésion sociale et la solidarité entre les Ivoiriens, les deux Parties au Dialogue direct conviennent d'étendre la portée de la loi d'amnistie adoptée en 2003. A cet effet, elles ont décidé d'adopter, par voie d'ordonnance, une nouvelle loi d'amnistie couvrant les crimes et délits relatifs aux atteintes à la sûreté de l'État liés aux troubles qui ont secoué la Côte d'Ivoire et commis entre le 17 septembre 2000 et la date d'entrée en vigueur du présent Accord, à l'exclusion des crimes économiques, des crimes de guerre et des crimes contre l'humanité.</p>
tj_pri	Prisoner Release	
tj_hum	Human Rights	<p>Page 13; VI. MESURES VISANT A CONSOLIDER LA RECONCILIATION NATIONALE, LA PAIX, LA SECURITE ET ET LA LIBRE CIRCULATION DES PERSONNES ET DES BIENS; 6.6. Du Code de bonne conduite</p> <p>6.6.4. Elles conviennent de conjuguer leurs efforts en vue de renforcer l'éthique et la moralité républicaines au sein de leurs forces respectives, dans le respect de la dignité et des droits fondamentaux de la personne humaine. Elles s'engagent à conduire leurs forces respectives à travailler ensemble en bonne intelligence.</p>
tj_min	Indigenous & Minority Rights	
tj_wom	Women's Rights & Gender Issues	
tj_civ	Civil & Political Rights	<p>Page 3-4; I. DE L'IDENTIFICATION GENERALE DES POPULATIONS</p> <p>Les Parties signataires du présent Accord ont reconnu que l'identification des populations ivoiriennes et étrangères vivant en Côte d'Ivoire constitue une préoccupation majeure. Le défaut d'une identification claire et cohérente, de même que l'absence de pièces administratives uniques attestant l'identité et la nationalité des individus constituent une source de conflits. Elles ont, en conséquence/décidé de mettre fin à cette situation par les mesures suivantes:</p> <p>1.1. La relance des audiences foraines d'établissement de jugements supplétifs d'actes de naissance</p> <p>1.1.1. Les audiences foraines seront relancées sur l'ensemble du territoire national dès la mise en place du nouveau Gouvernement issu du présent</p>

	<p>Accord. Dans le but d'accélérer la délivrance des jugements supplétifs d'acte de naissance, les magistrats appelés à animer les nouvelles juridictions créées pour les besoins des audiences foraines seront nommés par décret présidentiel et dotés de moyens nécessaires pour leur mission.</p> <p>1.1.2. Les opérations exceptionnelles d'audiences foraines qui dureront trois (03) mois délivreront uniquement des jugements supplétifs tenant lieu d'actes de naissance aux personnes nées en Côte d'Ivoire qui n'ont jamais été déclarées à l'état civil.</p> <p>1.1.3. A l'occasion de la relance des audiences foraines, une campagne de sensibilisation, d'information et de mobilisation impliquant les acteurs politiques, les Etats Majors Militaires et la Société civile sera organisée pour inviter les personnes concernées à se présenter devant les juridictions foraines de leur lieu de naissance pour se faire délivrer un jugement supplétif tenant lieu d'acte de naissance.</p> <p>1.1.4. Les Parties s'engagent à garantir la sécurité des opérations d'audiences foraines sur toute l'étendue du territoire national.</p> <p>1.2. La reconstitution des registres de naissance perdus ou détruits</p> <p>Parallèlement aux audiences foraines d'établissement de jugements supplétifs d'actes de naissance, les registres d'état civil perdus ou détruits dans certains centres d'état civil seront reconstitués conformément aux dispositions de l'Ordonnance du 17 janvier 2007 et de son Décret d'application qui devra être pris dans les meilleurs délais.</p> <p>1.3. L'organisation d'une opération d'établissement de nouveaux titres d'identité (cartes nationales d'identité et titres de séjour)</p> <p>Les Parties s'engagent à organiser une opération exceptionnelle d'établissement de nouveaux titres d'identité selon les modalités ci-après.</p>
<p>tj_esc</p>	<p>Economic, Social & Cultural Rights</p>
<p>tj_vic</p>	<p>Victims & Reparations</p>
<p>tj_ref</p>	<p>Page 12; VI. MESURES VISANT A CONSOLIDER LA RECONCILIATION NATIONALE, LA PAIX, LA SECURITE ET ET LA LIBRE CIRCULATION DES PERSONNES ET DES BIENS; 6.5. Du Programme d'aide au retour des déplacés de la guerre</p> <p>Dans la perspective de la réconciliation nationale et de la normalisation politique et institutionnelle, les Parties au Dialogue direct conviennent de mettre en place, dans les meilleurs délais, un Programme d'aide au retour des déplacés de la guerre. Ce Programme vise à assurer la réinsertion sociale des personnes et des familles qui ont abandonné leur domicile ou leurs biens du fait de la guerre. Les deux (02) Parties conviennent de donner au Ministère technique concerné les moyens de mise en œuvre de ce Programme.</p>

tj_tru

Truth &
Reconciliation
Commission

Page 3; PREAMBULE

En raison de la responsabilité particulière qu'elles ont dans la conduite du processus de sortie de crise, les deux Parties au conflit armé en Côte d'Ivoire ont reconnu l'impérieuse nécessité de se mettre ensemble pour consolider la paix, promouvoir une véritable réconciliation nationale et parvenir à une normalisation politique et institutionnelle, à travers un dialogue permanent et une confiance mutuelle.

Page 10; V. DU CADRE INSTITUTIONNEL D'EXECUTION

5.1. Les deux (02) Parties au Dialogue Direct exerçant un contrôle effectif, administratif et militaire, de part et d'autre de la zone de confiance, conscientes de leurs hautes responsabilités dans le fonctionnement de l'Etat et déterminées à parvenir à une normalisation politique et institutionnelle fondée sur la gestion concertée du pouvoir politique et la réconciliation nationale, décident de mettre en place un nouveau cadre institutionnel d'exécution.
[...]

Page 11-13; VI. MESURES VISANT A CONSOLIDER LA RECONCILIATION NATIONALE, LA PAIX, LA SECURITE ET ET LA LIBRE CIRCULATION DES PERSONNES ET DES BIENS

Afin de consolider la paix, la réconciliation nationale et la libre circulation des personnes et des biens, les Parties au Dialogue direct conviennent des mesures ciaprès:
[...]

tj_rec

Reconciliation

6.3. De la loi d'amnistie [...]

6.6. Du Code de bonne conduite

6.6.1. Les Parties s'engagent à organiser une vaste campagne d'information et de sensibilisation auprès des populations vivant en Côte d'Ivoire, afin de les amener à adhérer pleinement au processus de sortie de crise et de réconciliation nationale.

6.6.2. Elles s'interdisent toute propagande, notamment médiatique, tendant à nuire à l'esprit de la cohésion et de l'unité nationales. Elles font appel à la presse nationale et internationale pour qu'elle accompagne, de manière constructive, la consolidation de la paix et l'esprit de tolérance.

6.6.3. Les Parties s'engagent à entretenir entre elles un esprit de dialogue permanent basé sur la confiance mutuelle, à s'abstenir de toute attitude belligérante et outrageante et à appeler leurs militants respectifs à adopter des comportements empreints de respect et de retenue.
[...]

Page 13; VII. DES MECANISMES DE SUIVI ET DE CONCERTATION

Aux fins du suivi du présent Accord et de la poursuite du Dialogue direct, les Parties conviennent de créer un Cadre permanent de concertation (CPC) et un Comité d'évaluation et d'accompagnement (CEA).

7.1. Le Cadre permanent de concertation (CPC)

Le Cadre permanent de concertation est un organe de veille et de Dialogue permanent dans le but de renforcer la cohésion nationale. Il est composé ainsi qu'il suit:

		[...]
tj_pro	Protection Measures	<p>Page 8; III. DES FORCES DE DEFENSE ET DE SECURITE DE CÔTE D'IVOIRE; 3.1. La mise en place d'un Centre de commandement intégré (CCI)</p> <p>3.1.3. Le Centre de commandement intégré aura pour missions essentielles: [...] - la coordination des mesures visant à garantir la protection et la libre circulation des personnes et des biens sur toute l'étendue du territoire national.</p> <p>Page 9; III. DES FORCES DE DEFENSE ET DE SECURITE DE CÔTE D'IVOIRE; 3.3. Le Service civique</p> <p>3.3.1. Les deux (02) Parties conviennent que le Service civique, destiné à encadrer toute la jeunesse de Côte d'Ivoire et à la former en vue d'un emploi, accueillera également tous les jeunes qui se sont familiarisés avec le maniement des armes pour les besoins de la guerre, dans le but de les encadrer et de les former pour de futurs emplois civils ou militaires.</p>
tr_con	Constitutional Reform	
tr_leg	Legislative Branch Reform	
tr_exe	Executive Branch Reform	<p>Page 10; V. DU CADRE INSTITUTIONNEL D'EXECUTION</p> <p>5.1. Les deux (02) Parties au Dialogue Direct exerçant un contrôle effectif, administratif et militaire, de part et d'autre de la zone de confiance, conscientes de leurs hautes responsabilités dans le fonctionnement de l'Etat et déterminées à parvenir à une normalisation politique et institutionnelle fondée sur la gestion concertée du pouvoir politique et la réconciliation nationale, décident de mettre en place un nouveau cadre institutionnel d'exécution.</p> <p>5.2. Le Gouvernement de transition travaillera dans un esprit de concertation permanente, de complémentarité et d'ouverture aux autres forces politiques de Côte d'Ivoire pour aboutir à la réunification de la Côte d'Ivoire, au désarmement et à l'organisation d'élections ouvertes, transparentes et démocratiques, tels que prévus dans les différents accords et résolutions relatifs à la sortie de crise.</p>
tr_jud	Judiciary Reform	<p>Page 4; I. DE L'IDENTIFICATION GENERALE DES POPULATIONS; 1.1. La relance des audiences foraines d'établissement de jugements supplétifs d'actes de naissance</p> <p>1.1.1. Les audiences foraines seront relancées sur l'ensemble du territoire national dès la mise en place du nouveau Gouvernement issu du présent Accord. Dans le but d'accélérer la délivrance des jugements supplétifs d'acte de naissance, les magistrats appelés à animer les nouvelles juridictions créées pour les besoins des audiences foraines seront nommés par décret présidentiel et dotés de moyens nécessaires pour leur mission.</p>

1.1.2. Les opérations exceptionnelles d'audiences foraines qui dureront trois (03) mois délivreront uniquement des jugements supplétifs tenant lieu d'actes de naissance aux personnes nées en Côte d'Ivoire qui n'ont jamais été déclarées à l'état civil

1.1.3. A l'occasion de la relance des audiences foraines, une campagne de sensibilisation, d'information et de mobilisation impliquant les acteurs politiques, les Etats Majors Militaires et la Société civile sera organisée pour inviter les personnes concernées à se présenter devant les juridictions foraines de leur lieu de naissance pour se faire délivrer un jugement supplétif tenant lieu d'acte de naissance.

1.1.4. Les Parties s'engagent à garantir la sécurité des opérations d'audiences foraines sur toute l'étendue du territoire national.

Page 6; I. DE L'IDENTIFICATION GENERALE DES POPULATIONS; 1.3.3. Normes sur les nouveaux titres d'identité

1.3.3.2. La confection et la délivrance des nouveaux titres d'identité seront assurées par l'Office National d'Identification (ONI), sous la supervision de la Commission nationale de supervision de l'Identification (CNSI).

1.3.3.3. Pour l'opération d'identification, le Gouvernement fera appel, avec l'accord des deux (02) Parties, à un opérateur technique désigné par décret pris en Conseil des Ministres,

Page 6-7; II. DU PROCESSUS ELECTORAL

2.1. L'inscription sur la liste électorale

2.1.1. Les Parties conviennent que l'inscription sur la liste électorale sera établie par l'Institut National de la Statistique (INS) et l'opérateur technique désigné par le Gouvernements pour l'identification. Ces deux opérateurs accompliront leur mission sous la responsabilité de la CEI.

2.4. Collaboration entre les structures intervenant dans le processus électoral

2.4.1. Dans un souci de transparence et d'efficacité, sous l'autorité de la CEI, TINS et l'Opérateur technique désigné par le Gouvernement collaboreront pour l'établissement des cartes d'électeur.

tr_adm Public
Administration
Reform

Page 9; III. DES FORCES DE DEFENSE ET DE SECURITE DE CÔTE D'IVOIRE; 3.3. Le Service civique

3.3.1. Les deux (02) Parties conviennent que le Service civique, destiné à encadrer toute la jeunesse de Côte d'Ivoire et à la former en vue d'un emploi, accueillera également tous les jeunes qui se sont familiarisés avec le maniement des armes pour les besoins de la guerre, dans le but de les encadrer et de les former pour de futurs emplois civils ou militaires.

3.3.2. L'organisation et le fonctionnement du Service civique seront définis par décret pris en Conseil des Ministres.

Page 9-10; IV. DE LA RESTAURATION DE L'AUTORITE DE L'ETAT ET DU REDEPLOIEMENT DE L'ADMINISTRATION SUR A L'ENSEMBLE DU TERRITOIRE NATIONAL

4.1. Fermement déterminées à parvenir à la normalisation politique et institutionnelle en Côte d'Ivoire, les Parties au présent Accord s'engagent à restaurer l'autorité de l'Etat et à redéployer l'administration et tous les services publics sur l'ensemble du territoire national.

4.2. Le redéploiement de l'administration et des services publics se fera par l'ensemble des ministères concernés, sous l'autorité du Premier Ministre, dès la suppression de la zone de confiance et l'établissement des postes d'observation. Le redéploiement de l'administration concernera l'ensemble

des services publics, y compris les services sociaux de base, notamment ceux de l'éducation, de la santé, de l'eau et de l'assainissement.

4.3. La désignation des responsables des principaux services administratifs se fera après concertation entre les deux Parties.

Page 7-8; III. DES FORCES DE DEFENSE ET DE SECURITE DE CÔTE D'IVOIRE

Les Parties au présent Accord, conscientes que l'Armée nationale doit être le reflet de l'unité et de la cohésion nationales et la garante de la stabilité des institutions républicaines, se sont engagées à procéder à la restructuration et à la refondation des deux armées en vue de la mise en place de nouvelles forces de défense et de sécurité attachées aux valeurs d'intégrité et de moralité républicaine.

Un mécanisme spécial de restructuration et de refondation de l'Armée sera adopté par ordonnance pour fixer le cadre général d'organisation, de composition et de fonctionnement des nouvelles Forces de Défense et de Sécurité. En conséquence, les deux Parties décident de procéder à l'unification des deux forces en présence par la création d'une structure opérationnelle intégrée.

3.1. La mise en place d'un Centre de commandement intégré (CCI)

3.1.1. Dans un esprit de cogestion des questions liées à la Défense et à la Sécurité, les deux (02) Parties ex-belligérantes conviennent de créer un Centre de commandement intégré chargé d'unifier les forces combattantes en présence et de mettre en œuvre les mesures de restructuration des Forces de Défense et de Sécurité de Côte d'Ivoire.

3.1.2. Le Centre de commandement intégré adoptera son organigramme et sera placé sous le commandement conjoint du Chef d'Etat Major Général des FANCI et du Chef d'Etat Major des FAFN. Il sera paritairement composé d'Officiers désignés par les deux (02) Chefs d'Etat Major.

3.1.3. Le Centre de commandement intégré aura pour missions essentielles:

- la contribution à l'élaboration de la politique de défense et de sécurité;
- la mise en œuvre du Programme National de Désarmement, de Démobilisation et de Réinsertion (PNDDR), sous la supervision des Forces impartiales;
- l'opérationnalisation des tâches militaires et de sécurité liées au processus de sortie de crise;
- la sécurisation des audiences foraines, des opérations d'identification, ainsi que la sécurité du processus électoral;
- la mise en place d'unités militaires et paramilitaires mixtes;
- la coordination des mesures visant à garantir la protection et la libre circulation des personnes et des biens sur toute l'étendue du territoire national.

Page 11; VI. MESURES VISANT A CONSOLIDER LA RECONCILIATION NATIONALE, LA PAIX, LA SECURITE ET ET LA LIBRE CIRCULATION DES PERSONNES ET DES BIENS;

6.1. De l'embargo sur l'importation des armes

6.1.2. Elles conviennent aussi de demander au Conseil de Sécurité de l'ONU, avec le concours du Facilitateur et de la CEDEAO, une autorisation spéciale immédiate d'importer les armements légers nécessaires au maintien de l'ordre et de la sécurité publique, sous le contrôle du Centre de commandement intégré visé dans le paragraphe 3.1. ci-dessus.

6.2. De la zone de confiance

tr_mil

Military Reform

		<p>6.2.3. Des unités mixtes, composées paritairement des membres des FAFN et des FDS et chargées d'assurer les missions de police et de sécurité, seront déployées dans la zone de confiance. Ces unités seront supprimées avec la réforme et la restructuration de l'Armée.</p>
tr_pol	Police Reform	<p>Page 10; IV. DE LA RESTAURATION DE L'AUTORITE DE L'ETAT ET DU REDEPLOIEMENT DE L'ADMINISTRATION SUR A L'ENSEMBLE DU TERRITOIRE NATIONAL</p> <p>4.4. Les Forces de Police et de Gendarmerie, comprenant les 600 éléments issus de l'Accord de Pretoria, seront chargées d'assurer la sécurité de l'ensemble du corps préfectoral et des services techniques déployés.</p> <p>Page 11; VI. MESURES VISANT A CONSOLIDER LA RECONCILIATION NATIONALE, LA PAIX, LA SECURITE ET ET LA LIBRE CIRCULATION DES PERSONNES ET DES BIENS; 6.2. De la zone de confiance</p> <p>6.2.3. Des unités mixtes, composées paritairement des membres des FAFN et des FDS et chargées d'assurer les missions de police et de sécurité, seront déployées dans la zone de confiance. Ces unités seront supprimées avec la réforme et la restructuration de l'Armée.</p>
tr_edu	Education Reform	
tr_med	Media Reform	<p>Page 12-13; VI. MESURES VISANT A CONSOLIDER LA RECONCILIATION NATIONALE, LA PAIX, LA SECURITE ET ET LA LIBRE CIRCULATION DES PERSONNES ET DES BIENS; 6.6. Du Code de bonne conduite</p> <p>En raison de l'impérieuse nécessité d'apaiser et de moraliser la vie publique, d'instaurer un nouvel environnement politique en Côte d'Ivoire et d'éviter toute interprétation partisane et démagogique du présent Accord, les Parties s'engagent à observer un code de bonne conduite.</p> <p>6.6.1. Les Parties s'engagent à organiser une vaste campagne d'information et de sensibilisation auprès des populations vivant en Côte d'Ivoire, afin de les amener à adhérer pleinement au processus de sortie de crise et de réconciliation nationale.</p> <p>6.6.2. Elles s'interdisent toute propagande, notamment médiatique, tendant à nuire à l'esprit de la cohésion et de l'unité nationales. Elles font appel à la presse nationale et internationale pour qu'elle accompagne, de manière constructive, la consolidation de la paix et l'esprit de tolérance.</p>
tr_ddd	Demobilization, Disarmament & Reintegration	<p>Page 8-9; III. DES FORCES DE DEFENSE ET DE SECURITE DE CÔTE D'IVOIRE</p> <p>3.1. La mise en place d'un Centre de commandement intégré (CCI)</p> <p>3.1.3. Le Centre de commandement intégré aura pour missions essentielles: [...]</p> <p>- la mise en œuvre du Programme National de Désarmement, de Démobilisation et de Réinsertion (PNDDR), sous la supervision des Forces impartiales; [...]</p> <p>3.2. Du Programme National de Désarmement, de Démobilisation et de Réinsertion</p>

3.2.1. Les Parties au présent Accord conviennent de procéder, dans les meilleurs délais, au désarmement des forces en présence, conformément aux recommandations des Accords de Linas-Marcoussis et aux modalités prévues dans les accords militaires suivants:

- Le Plan Conjoint des Opérations du DDR (PCO) signé le 09 janvier 2004 et actualisé lors du séminaire sur le désarmement organisé du 02 au 06 mai 2005 à Yamoussoukro sous l'égide de la médiation Sud-Africaine;

- Le Programme national de Désarmement, de Démobilisation et de Réinsertion (PNDDR/RC) et son chronogramme, adoptés le 9 juillet 2005 à Yamoussoukro;

- Les conclusions de la séance de travail tenue à Yamoussoukro le samedi 14 mai 2005 entre les Chefs d'Etat-major (CEM) des FDS et des FAFN.

3.2.2. Les Parties conviennent d'accélérer le démantèlement et le désarmement des milices.

3.2.3. Les Parties conviennent d'accélérer le processus de regroupement sur les dix sept (17) sites préalablement localisés et d'exécuter le chronogramme du PNDDR actualisé.

3.3. Le Service civique

3.3.1. Les deux (02) Parties conviennent que le Service civique, destiné à encadrer toute la jeunesse de Côte d'Ivoire et à la former en vue d'un emploi, accueillera également tous les jeunes qui se sont familiarisés avec le maniement des armes pour les besoins de la guerre, dans le but de les encadrer et de les former pour de futurs emplois civils ou militaires.

Page 10; V. DU CADRE INSTITUTIONNEL D'EXECUTION

[...]

5.2. Le Gouvernement de transition travaillera dans un esprit de concertation permanente, de complémentarité et d'ouverture aux autres forces politiques de Côte d'Ivoire pour aboutir à la réunification de la Côte d'Ivoire, au désarmement et à l'organisation d'élections ouvertes, transparentes et démocratiques, tels que prévus dans les différents accords et résolutions relatifs à la sortie de crise.

Page 11; VI. MESURES VISANT A CONSOLIDER LA RECONCILIATION NATIONALE, LA PAIX, LA SECURITE ET ET LA LIBRE CIRCULATION DES PERSONNES ET DES BIENS; 6.1. De l'embargo sur l'importation des armes

6.1.1. Les deux Parties au Dialogue direct conviennent de demander au Conseil de Sécurité des Nations Unies, avec le concours du Facilitateur et de la CEDEAO, la levée de l'embargo sur les armes qui pèse sur la Côte d'Ivoire dans un délai de trois mois après l'organisation de l'élection présidentielle.

Page 15; VIII. DISPOSITIONS DIVERSES ET FINALES

8.3. Le chronogramme joint au présent Accord en fait partie intégrante. Les Parties conviennent d'exécuter les opérations convenues conformément à ce chronogramme.

Page 16; ANNEXE CHRONOGRAMME DE MISE EN ŒUVRE DE L'ACCORD DE OUGADOUGOU

1. Signature de l'Accord politique de Ouagadougou
Jour J

2. Mise en place du Centre de commandement intégré
Commence deux (02) semaines après le jour J

tr_dit

Transitional
Timeline

3. Mise en place du cadre institutionnel d'exécution
Se fait quatre (04) semaines après la signature de l'Accord.
 4. Formation du Gouvernement
Se fait cinq (05) semaines après la signature de l'Accord
 5. Suppression de la zone de confiance et mise en place des unités mixtes
Commencent une (01) semaine après la formation du Gouvernement
 6. Démantèlement des milices
Commence deux (02) semaines après la formation du Gouvernement et dure deux semaines
 7.
- Regroupement (rassemblement par unité des ex-combattants dans les sites de regroupement et stockage des armes sous la supervision des Forces Impartiales)
- Redéploiement de l'Administration
- Début des audiences foraines
Commencent deux (02) semaines après la formation du Gouvernement et durent trois (03) mois
 8. Enrôlement en vue de l'inscription sur la liste électorale et de l'identification
Commence un (01) mois après le début des audiences foraines
 9. Unification des forces en présence et enrôlement pour le Service civique
Commence quinze jours après le début de l'enrôlement
 10. Etablissement et distribution des nouvelles cartes nationales d'identité et des cartes d'électeurs à partir de la liste électorale
Commencent à l'adoption officielle de la liste électorale définitive
 11. Fin du processus DDR et organisation des élections
- L'ENSEMBLE DU CHRONOGRAMME PRÉVU CI-DESSUS SE DÉROULERA DANS UN DÉLAI DE DIX (10) MOIS.

Page 3; PREAMBULE

Après avoir identifié les problèmes rencontrés dans la mise en œuvre des Accords de Linas-Marcoussis, d'Accra et de Pretoria, ainsi que des Résolutions de l'ONU sur la Côte d'Ivoire, les Parties, en vue d'arrêter des décisions, ont réaffirmé:
[...]
- leur volonté de créer les conditions d'élections libres, ouvertes, transparentes et démocratiques;

Page 4-5; I. DE L'IDENTIFICATION GENERALE DES POPULATIONS; 1.3. L'organisation d'une opération d'établissement de nouveaux titres d'identité (cartes nationales d'identité et titres de séjour)

tr_epr

Electoral & Political
Party Reform

Les Parties s'engagent à organiser une opération exceptionnelle d'établissement de nouveaux titres d'identité selon les modalités ci-après.
[...]

1.3.2. Identification sur la base de la nouvelle liste électorale

1.3.2.1. Dans un souci d'accélération de l'identification et compte tenu de la situation actuelle de l'Administration en Côte d'Ivoire et des nécessités subséquentes de la sortie de crise, les Parties conviennent de privilégier l'identification basée sur la liste électorale.

1.3.2.2. A l'issue des audiences foraines, la CEI procédera, sur la base de la liste électorale de 2000, à un recensement électoral, avec collecte des données biométriques sur toute l'étendue du territoire national. Pourront s'inscrire sur la liste électorale les ivoiriens âgés de dix-huit (18) ans au moins, munis d'un extrait d'acte de naissance ou d'un jugement supplétif d'acte de naissance en tenant lieu.

1.3.2.3. Tous les citoyens qui se seront fait enrôler sur la liste électorale se verront délivrer un récépissé comportant leur numéro d'identification unique qui sera nécessaire pour le retrait de la carte d'électeur et de la nouvelle carte nationale d'identité.

1.3.2.4. Après la procédure de validation de la liste électorale par la CEI, un décret pris en Conseil des ministres autorisera l'attribution de la nouvelle carte nationale d'identité à tous ceux qui figureront sur la liste électorale définitive. Celle-ci servira de base de données commune pour la délivrance des nouvelles cartes nationales d'identité et de la carte d'électeur.

Page 6-7; II. DU PROCESSUS ELECTORAL

Soucieuses de parvenir, dans les meilleurs délais, à une paix durable et à une normalisation politique et institutionnelle en Côte d'Ivoire, les Parties au Dialogue Direct réaffirment leur engagement à préparer, à l'issue de l'opération d'identification, des élections présidentielles ouvertes, démocratiques et transparentes, conformément aux accords de Linas-Marcoussis, d'Accra et de Pretoria. A cette fin, elles décident ce qui suit:

2.1. L'inscription sur la liste électorale

2.1.1. Les Parties conviennent que l'inscription sur la liste électorale sera établie par l'Institut National de la Statistique (INS) et l'opérateur technique désigné par le Gouvernement pour l'identification. Ces deux opérateurs accompliront leur mission sous la responsabilité de la CEI.

2.1.2. Tous les citoyens ivoiriens en âge de voter pourront s'inscrire sur la liste électorale. A cet effet, ils devront se munir d'une des pièces suivantes : un extrait d'acte de naissance ou un jugement supplétif d'acte de naissance en tenant lieu.

2.1.3. Un décret pris en Conseil des Ministres fixera les modalités d'inscription sur la liste électorale conformément aux dispositions du Code électoral.

2.2. La publication de la liste électorale définitive

2.2.1. La liste électorale définitive, validée par la CEI, sera publiée conformément aux dispositions de l'article 11, al. 2 du Code électoral, ou par toute autre voie convenue par les Parties.

2.3. L'établissement et la distribution des cartes électorales

2.3.1. Après sa publication, la liste électorale définitive donnera lieu à l'établissement des cartes d'électeurs sous la responsabilité de la CEI.

2.3.2. La distribution des cartes d'électeurs sera assurée par la CEI à travers ses démembrements deux semaines au plus tard avant la date des élections, conformément à l'article 5 du Code électoral.

2.3.3. L'électeur qui n'aura pas pu retirer sa carte d'électeur dans le délai prévu dans le paragraphe ci-dessus pourra néanmoins voter avec sa nouvelle carte nationale d'identité, s'il est régulièrement inscrit sur la liste électorale.

2.4. Collaboration entre les structures intervenant dans le processus électoral

2.4.1. Dans un souci de transparence et d'efficacité, sous l'autorité de la CEI, TINS et l'Opérateur technique désigné par le Gouvernement collaboreront pour l'établissement des cartes d'électeur.

2.4.2. Un décret pris en Conseil des ministres précisera les modalités de cette collaboration.

<p>tr_dev</p> <p>Socio-Economic Development</p>	<p>Page 9; III. DES FORCES DE DEFENSE ET DE SECURITE DE CÔTE D'IVOIRE; 3.3. Le Service civique</p> <p>3.3.1. Les deux (02) Parties conviennent que le Service civique, destiné à encadrer toute la jeunesse de Côte d'Ivoire et à la former en vue d'un emploi, accueillera également tous les jeunes qui se sont familiarisés avec le maniement des armes pour les besoins de la guerre, dans le but de les encadrer et de les former pour de futurs emplois civils ou militaires.</p> <p>Page 10; IV. DE LA RESTAURATION DE L'AUTORITE DE L'ETAT ET DU REDEPLOIEMENT DE L'ADMINISTRATION SUR A L'ENSEMBLE DU TERRITOIRE NATIONAL</p> <p>[...]</p> <p>4.2. Le redéploiement de l'administration et des services publics se fera par l'ensemble des ministères concernés, sous l'autorité du Premier Ministre, dès la suppression de la zone de confiance et l'établissement des postes d'observation. Le redéploiement de l'administration concernera l'ensemble des services publics, y compris les services sociaux de base, notamment ceux de l'éducation, de la santé, de l'eau et de l'assainissement.</p>
<p>tr_cul</p> <p>Cultural Heritage/ Protections</p>	
<p>tr_fin</p> <p>Financial Arrangements</p>	
<p>tj_dsm</p> <p>Dispute Settlement Mechanisms</p>	<p>Page 13-14; VII. DES MECANISMES DE SUIVI ET DE CONCERTATION</p> <p>Aux fins du suivi du présent Accord et de la poursuite du Dialogue direct, les Parties conviennent de créer un Cadre permanent de concertation (CPC) et un Comité d'évaluation et d'accompagnement (CEA).</p> <p>7.1. Le Cadre permanent de concertation (CPC)</p> <p>Le Cadre permanent de concertation est un organe de veille et de Dialogue permanent dans le but de renforcer la cohésion nationale.</p> <p>Il est composé ainsi qu'il suit:</p> <ul style="list-style-type: none"> - Monsieur Laurent GBAGBO, Président de la République; - Monsieur Guillaume K. SORO, Secrétaire général des Forces Nouvelles; - Monsieur Alassane Dramane OUATTARA, Président du RDR; - Monsieur Henri Konan BEDIE, Président du PDCI; - Monsieur Biais COMPAORE, Président en exercice de la CEDEAO, en sa qualité de Facilitateur. <p>Hormis le Président Laurent GBAGBO et le Président en exercice de la CEDEAO, les autres membres du CPC ont rang de Président d'institution.</p> <p>Le CPC est compétent pour examiner toute question relative au présent Accord.</p> <p>7.2. Le Comité d'évaluation et d'accompagnement (CEA)</p> <p>Le Comité d'évaluation et d'accompagnement est chargé de l'évaluation périodique de la mise en œuvre des mesures prévues dans le présent Accord. Il est également chargé de suggérer toutes dispositions pratiques et nécessaires à la bonne exécution du présent Accord.</p>

	<p>Il est composé ainsi qu'il suit:</p> <ul style="list-style-type: none"> - Président: le Facilitateur ou son Représentant; - Membres: trois (3) représentants pour chacune des deux (02) Parties signataires; <p>Les deux Parties conviendront, d'un commun accord, de l'élargissement du CEA à d'autres membres de la classe politique ivoirienne.</p> <p>En outre, le Facilitateur fera appel à tout autre observateur, représentant de pays et d'organisations internationales ou interafricaine qu'il jugera nécessaire.</p> <p>Le CEA est présidé par le Facilitateur ou son représentant. Il se réunit au moins une fois par mois en session ordinaire et, en tant que de besoin, en session extraordinaire, sur convocation de son Président.</p> <p>Aux fins de l'exécution de sa mission, le CEA rendra compte au CPC de la mise en œuvre de l'Accord et en informera le Représentant spécial du Secrétaire général de; Nations Unies.</p> <p>Page 15; VIII. DISPOSITIONS DIVERSES ET FINALES</p> <p>8.1. Les Parties s'engagent à s'en remettre à l'arbitrage du Facilitateur en cas de litige sur l'interprétation ou la mise en œuvre du présent Accord.</p>
<p>ia_ver</p> <p>Verification & Monitoring Mechanism</p>	
<p>ia_pko</p> <p>Peacekeeping</p>	<p>Page 11; VI. MESURES VISANT A CONSOLIDER LA RECONCILIATION NATIONALE, LA PAIX, LA SECURITE ET ET LA LIBRE CIRCULATION DES PERSONNES ET DES BIENS; 6.2. De la zone de confiance</p> <p>6.2.1. Les deux Parties au Dialogue direct, dans le but de permettre la libre circulation des biens et des personnes, conviennent de demander aux Forces impartiales de la Licorne et de l'ONUCI la suppression de la zone de confiance, conformément au paragraphe A.4. du document portant « Gestion de la zone de confiance », dénommé Le « Code 14 »</p> <p>6.2.2. A titre transitoire, une ligne imaginaire, dite ligne verte, allant d'Est en Ouest suivant la ligne médiane de la zone de confiance, sera établie et sera jalonnée par des postes d'observation installés sur les axes d'infiltration. Les postes d'observation seront occupés par les Forces impartiales et seront réduits de moitié tous les deux mois jusqu'à leur suppression totale.</p> <p>6.2.3. Des unités mixtes, composées paritairement des membres des FAFN et des FDS et chargées d'assurer les missions de police et de sécurité, seront déployées dans la zone de confiance. Ces unités seront supprimées avec la réforme et la restructuration de l'Armée.</p> <p>Page 15; VIII. DISPOSITIONS DIVERSES ET FINALES</p> <p>8.2. Les Parties conviennent de demander des troupes militaires africaines supplémentaires pour participer à la mission de paix des Forces impartiales en Côte d'Ivoire.</p>
<p>ia_adv</p> <p>International Assistance & Advice</p>	<p>Page 11; VI. MESURES VISANT A CONSOLIDER LA RECONCILIATION NATIONALE, LA PAIX, LA SECURITE ET ET LA LIBRE CIRCULATION DES PERSONNES ET DES BIENS; 6.1. De l'embargo sur l'importation des armes</p>

6.1.1. Les deux Parties au Dialogue direct conviennent de demander au Conseil de Sécurité des Nations Unies, avec le concours du Facilitateur et de la CEDEAO, la levée de l'embargo sur les armes qui pèse sur la Côte d'Ivoire dans un délai de trois mois après l'organisation de l'élection présidentielle.

6.1.2. Elles conviennent aussi de demander au Conseil de Sécurité de l'ONU, avec le concours du Facilitateur et de la CEDEAO, une autorisation spéciale immédiate d'importer les armements légers nécessaires au maintien de l'ordre et de la sécurité publique, sous le contrôle du Centre de commandement intégré visé dans le paragraphe 3.1. ci-dessus.

Page 13-14; VII. DES MECANISMES DE SUIVI ET DE CONCERTATION

Aux fins du suivi du présent Accord et de la poursuite du Dialogue direct, les Parties conviennent de créer un Cadre permanent de concertation (CPC) et un Comité d'évaluation et d'accompagnement (CEA).

[...]

7.1. Le Cadre permanent de concertation (CPC)

Le Cadre permanent de concertation est un organe de veille et de Dialogue permanent dans le but de renforcer la cohésion nationale.

Il est composé ainsi qu'il suit:

- Monsieur Laurent GBAGBO, Président de la République;
- Monsieur Guillaume K. SORO, Secrétaire général des Forces Nouvelles;
- Monsieur Alassane Dramane OUATTARA, Président du RDR;
- Monsieur Henri Konan BEDIE, Président du PDCI;
- Monsieur Biaise COMPAORE, Président en exercice de la CEDEAO, en sa qualité de Facilitateur.

Hormis le Président Laurent GBAGBO et le Président en exercice de la CEDEAO, les autres membres du CPC ont rang de Président d'institution.

Le CPC est compétent pour examiner toute question relative au présent Accord.

7.2. Le Comité d'évaluation et d'accompagnement (CEA)

Le Comité d'évaluation et d'accompagnement est chargé de l'évaluation périodique de la mise en œuvre des mesures prévues dans le présent Accord. Il est également chargé de suggérer toutes dispositions pratiques et nécessaires à la bonne exécution du présent Accord.

Il est composé ainsi qu'il suit:

- Président: le Facilitateur ou son Représentant;
- Membres: trois (3) représentants pour chacune des deux (02) Parties signataires;

Les deux Parties conviendront, d'un commun accord, de l'élargissement du CEA à d'autres membres de la classe politique ivoirienne.

En outre, le Facilitateur fera appel à tout autre observateur, représentant de pays et d'organisations internationales ou interafricaine qu'il jugera nécessaire.

Le CEA est présidé par le Facilitateur ou son représentant. Il se réunit au moins une fois par mois en session ordinaire et, en tant que de besoin, en session extraordinaire, sur convocation de son Président.

Aux fins de l'exécution de sa mission, le CEA rendra compte au CPC de la mise en œuvre de l'Accord et en informera le Représentant spécial du Secrétaire général de Nations Unies.

Page 15; VIII. DISPOSITIONS DIVERSES ET FINALES

8.1. Les Parties s'engagent à s'en remettre à l'arbitrage du Facilitateur en cas de litige sur l'interprétation ou la mise en œuvre du présent Accord.

8.4. Le présent Accord entre en vigueur dès sa signature par les Parties. Les Parties conviennent de demander au Facilitateur, en sa qualité de Président en exercice de la CEDEAO, de saisir, par le biais de l'Union Africaine, le Conseil de Sécurité des Nations Unies aux fins d'entériner le présent Accord.